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Acts of the Governor General of India in council 1834-1848 with an analytical abstract prefixed to each Act and a copious index

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OF THE

GOVERNOR GENERAL OF INDIA IN COUNCIL,

1834—1848,

WITH

AN ANALYTICAL ABSTRACT PREFIXED TO EACH ACT, AND A COPIOUS INDEX.

BY

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CALCUTTA:
THACKER, SPINK & CO., F. B. D'ROZARIO & CO. AND THE OTHER BOOKSELLERS.

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PREFACE.

FROM the present volume, repealed Acts and parts of Acts are excluded, but the Abstracts are retained, and these generally show the subject, and contain the substance, of the enactments.

When this volume went to the press, the new Civil Procedure Bill was in the course of being passed, and concurrently with it a separate Bill for repealing the old Procedure Acts. Anticipating that the two Bills would be passed together, I should have omitted all the Acts comprised in the latter, but for the supposition that they would still apply to the non-regulation provinces; which supposition was an error (the general regulations never having applied to those provinces); and on the discovery of the error, I immediately began to alter my course, by omitting the Acts the repeal of which I had anticipated. In the end the new Procedure Bill (Act VIII. 1859) has been passed, but the Bill for repealing the old Procedure Acts has not been passed; and, I have put in a supplement most of the omitted Acts *(a)*.

Calcutta,
31st March 1860.

(a) Act XII. 1836 I have omitted as an Act of temporary operation, but there is now passing through the Legislative Council a Bill to repeal it. The Act empowers the Zillah Court of Furruckabad to execute the decrees of the Nawab of Furruckabad if the holder is unable to obtain execution by the Nawab.

BENGAL SECRETARIAT LIBRARY

THE LEGISLATIVE ACTS OF THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

GOVERNOR GENERAL.

ACT No. I. OF 1834.

[*Passed on the 20th November*, 1834.

All Acts of Governor General and Vice President, &c. between 22nd April 1834, and 14th November 1834, valid.

A retrospective Act, of temporary operation.

CHIEF SECRETARIES.

ACT No. II. OF 1834.

[*Passed on the 20th November*, 1834.

Authorizes the Secretaries to the Government of India, Fort William, Fort St. George, and Bombay, to exercise powers given by Act of Parliament to the Chief Secretaries.

This Act merely corrects a misnomer, the Secretaries of the Indian Government being described in certain Acts of Parliament as Chief Secretaries, which is not the proper official designation.

GOVERNOR OF MADRAS.

ACT No. I. OF 1835.

[*Passed on the 7th January*, 1835.

All Officers attached to the Madras Presidency to obey the orders of the Governor, which are to be as valid as orders of the Governor in Council.

A temporary Act, passed on the occasion of the Governor of the Presidency of Madras leaving the city of Madras, the seat of Council.

ASSAM, ARRACAN, AND TENASSERIM.

ACT No. II. OF 1835.

[*Passed on the 12th January*, 1835.

Assam, Arracan, and Tenasserim to be under the control of the Sudder Dewanny Adawlut and Nizamut Adawlut, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed in the provinces of Assam, Arracan and Tenasserim, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut, in criminal cases, of the Court of Nizamut Adawlut, and in Revenue cases, of the Sudder Board of Revenue; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the Government of Fort William in Bengal.

THE CEDED AND CONQUERED PROVINCES—REVENUE.

ACT No. III. OF 1835.

[*Passed on the 19th February*, 1835.

1. *No new claims to be admitted under Reg. I.* 1821, *Reg. I.* 1823, *clause* 2, *s.* 10, *Reg. I.* 1829.

2. *All new claims to be cognizable only in the regular Courts of Justice, and tried in like manner with other suits, in conformity with the General Regulations.*

3. *Commissioners under old Regulations, and S Board of R, to decide all cases pending: S. B. to decide Appeals in cases pending.*

An Act the operation of which has entirely ceased for many years.

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. IV. OF 1835.

[*Passed on the 13th March*, 1835.

All powers which may be exercised by two Justices of the Peace for Calcutta, shall be exercised by one such Justice.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by the virtue of any

law now in force, may be exercised by two Justices of the Peace for the town of Calcutta, shall be exercised by one such Justice.

Act No. XXII. of 1838, makes the same provision in regard to the power of Justices of the Peace in the Mofussil. For a list of the Local Acts of Calcutta, see *Index*.

MADRAS.—MOONSIFFS' FEES.

ACT No. V. OF 1835.

[*Passed on the* 13*th March*, 1835.

District Moonsiffs' Fee or Commission abolished.

Be it enacted, that such parts of any of the Regulations in force as authorize the District Moonsiffs within the Presidency of Fort St. George to receive any fee or commission for duties performed by them, are hereby rescinded; and District Moonsiffs within that Presidency shall not be entitled to receive any emolument whatever, beyond their fixed monthly allowances.

THE COSSYAH HILLS AND CACHAR.

ACT No. VI. OF 1835.

[*Passed on the* 13*th March*, 1835.

The Cossyah Hills and territory of Cachar to be under the control of the Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed to the political charge of the Cossyah Hills, or to the superintendence of the territory of Cachar, be henceforth placed under the control and superintendence, in Civil cases, of the Court of Sudder Dewanny Adawlut, and in Criminal cases, of the Court of Nizamut Adawlut, and that the Officer so appointed in the territory of Cachar be placed, in Revenue cases, under the control and superintendence of the Sudder Board of Revenue; and that such control and superintendence of the Sudder Court and Board shall be exercised in conformity with such instructions, as the said functionaries may have received or may hereafter receive from the Government of Fort William in Bengal.

BENGAL AND AGRA.—JURISDICTION OF SESSIONS' JUDGE.

ACT No. VII. OF 1835.

[*Passed on the 8th June*, 1835.

The Governor of Bengal and Agra may transfer the duties connected with criminal justice from any Commissioner of Circuit to any Session Judge, and define the powers to be exercised by each respectively.

Be it enacted, that it shall be competent to the Governors of the Presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the Secretary to Government in the Judicial Department, to transfer any part, or the whole of the duties connected with criminal justice, from any Commissioner of Circuit to any Session Judge, and to define the powers, which shall be exercised by each respectively.

By s. 6 of Act XXIV. 1837, the decisions of the Sessions' Judge on such appeal, except in criminal trials, shall not be open to revision by the Nizamut Adawlut. And by s. 7 of the same Act, the same control and superintendence over jails, under the management of any Zillah or City Magistrate or Joint Magistrate is given to the Sessions' Judge when the whole administration of Criminal Justice is vested in him, as might have been exercised by the Commissioner of Circuit.

BENGAL.—DECREES FOR RENT.

ACT No. VIII. OF 1835.

[*Passed on the 8th June*, 1835.

Sales under decrees for arrears of rent to be made in future by the Collectors of Land Revenue. Certain parts of section 15, *Regulation* 7, 1799, *and of c.* 3, *section* 23, *Regulation* 7, 1822, *rescinded. Collectors may sell Land in satisfaction of Summary Decrees for Rent.*

2. *All Sales for arrears of Rent or Revenue, under Clause* 7, *Section* 15, *or Clause* 6, *Section* 23, *or Section* 25, *Regulation* 7, 1799, *to be public, and ten days' notice to be given.*

Be it enacted, that such parts of clause 7, section 15, Regulation VII. 1799, of the Bengal Code, and other Regulations in force, as vest the Judge of Dewanny Adawlut with the power of bringing to sale, in execution of Summary Decrees for Rent, the Talook or other tenure of the defaulter, and so much of clause 3, section 23, Regulation VII. of 1822, of the same Code,

as prohibits the Collectors from selling land in satisfaction of Summary Awards for arrears of Rent which may have accrued thereon, be rescinded, and that the power heretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for Rent, be transferred to the Collectors of Land Revenue.

II. [And be it enacted, that all Sales for the recovery of arrears of Rent or Revenue, held under Clause 7, Section 15, or Clause 6, Section 23, or Section 25, Regulation VII. of 1799, shall be public, and be conducted by the Collector, his deputy or duly authorized assistant, and that ten days' notice shall be given of such sales, by advertisement, to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector.]

Act 10, 1859 is a new Rent Law for Bengal and partially repeals s. 2.

BENGAL.—SALT CHOKEES.

ACT No. IX. OF 1835.

[*Passed on the 6th July*, 1835.

1. *Governor of Bengal may vest the duty of Superintending Salt Chokees in Officers not being Covenanted Civil Servants.*

2 *Superintending Officers of Chokees appointed without the powers of adjudication. The Governor of Bengal may invest any Judicial or Revenue Officer with those powers.*

3. *This Act not to affect the powers of Superintending Officers of Chokees being Civil Servants.*

4. *Scale of rewards for Officers and others making seizures of Salt.*

I.—Be it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient, to vest the duty of Superintending Salt Chokees in Officers not being Covenanted Civil Servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

II.—When the Governor of Bengal shall appoint Superintending Officers of Chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the Salt Revenue, which are declared to be vested in such Officers by sections 46—109 and other provisions of Regu-

lation X. 1819 of the Bengal Code, it shall be competent to the Governor of Bengal to invest with those powers, any Judicial or Revenue Officer of the Government, giving notice thereof in the Government Gazette, and every Officer so invested with the said powers, shall exercise the said powers in all respects as prescribed in Regulation X. 1819 of the Bengal Code, for Salt Agents and Superintending Officers of Chokees.

III.—Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the Government of Bengal, in Superintending Officers of Chokees being Covenanted Civil Servants.

IV. First—In modification of the Rule contained in Section 89, Regulation X. 1819, of the Bengal Code, the following scale of rewards is established for Officers and others making seizures of salt.

Second.—Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law, be likewise convicted, the Officers of the Salt Department under the grades of Agent and Superintendent, if they have made the seizure upon information laid, or under orders of their Superiors, shall be entitled to a reward at the rate of 8 annas per maund of Merchantable Salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the salt Officers shall be only at the rate of 5 annas per maund.

Third.—If Salt be seized by any subordinate Officers of Government possessing authortiy to make seizures, without information from others or orders from their Superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and 8 annas if no offenders be convicted.

Fourth.—Informers, whether Officers of Government or not, shall, on the adjudication of Salt to forfeiture that may have been seized on their information, receive 8 annas per maund if the offenders be convicted, and 5 annas if there be no conviction.

This Act has two objects: to empower the Governor of Bengal to vest the duty of superintending Salt Chokees in Officers not being Covenanted Civil Servants. To this, the first three sections are devoted. The rest of the Act, beginning with the 4th section, is employed in establishing a new scale of rewards for Officers and others making seizures of Salt.

Act No. XXIX. of 1838, repealing previous Regulations, directs the mode of proceeding in the seizure of Salt where the Salt Laws have been violated. The same Act contains several provisions respecting the punishment of offences against the Salt Laws.

Further modifications are made in Act III. 1851.

EVIDENCE.

ACT No. X. OF 1835.

[*Passed on the 6th July*, 1835.

Act passed by Governor General in Council may be proved by production of the Government Gazette purporting to contain it.

Repealed by Act II. 1855.

LIBERTY OF PRESS.

ACT No. XI. OF 1835.

[*Passed on the 3rd August*, 1835.

Not abrogated by the Press Act, No. 15, 1857.

1. *Repeals four Regulations after specified.*

2. *No printed periodical containing public news or comments on news shall be published within the territories of the E. I. C except under following regulations. Printer and Publisher of every periodical work shall make and subscribe a declaration before a Magistrate. Form of declaration. When place of printing and publishing is changed, a fresh declaration shall be necessary. Printer or Publisher leaving the territories of the E. I. C., a new declaration shall be made by the Printer or Publisher resident within.*

3. *Any one printing or publishing any such periodical without conforming to rules shall be punished with a fine not exceeding* 5,000 *rupees and imprisonment not exceeding two years.*

4. *Declaration shall be authenticated by signature and seal of the Magistrate, and deposited in the office of the Magistrate and in the Supreme Court. Any person entitled to inspect and have a copy of the declaration*

5. *Office copy of declaration to be sufficient prima facie evidence that the person whose name is subscribed was the Printer or Publisher.*

6. *Persons who may have subscribed a declaration and since ceased to be the Printers or Publishers may make before the Magistrate another declaration. Form of declaration. This declaration to be filed with the original declaration. Any person may inspect this declaration and have copy; and office copy of the second declaration to be evidence: first declaration not to be evidence of fact at a subsequent period to the date of the second declaration.*

7. Every printed book or paper shall have printed on it the name of printer and publisher, and place of printing and publication, under pain of fine not exceeding 5,000 rupees, and imprisonment not exceeding two years.

8. No person shall keep a Printing Press for use, without making a declaration. Form of declaration.

9. Any person in making a declaration knowing it to be untrue, shall be punished by fine not exceeding 5,000 rupees and imprisonment not exceeding two years.

I. Be it enacted, that from the fifteenth day of September, 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing presses, without licence, and for restraining, under certain circumstances; the circulation of printed books and papers, passed by the Governor General in Council, on the 5th April, 1823.

2d.—A Rule, Ordinance, and Regulation for the good order and civil Government of the Settlement of Fort William in Bengal passed in Council 14th March, registered in the Supreme Court of Judicature, 4th April, 1823.

3d.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and Periodical and other books and papers by persons unknown, passed by the Honorable the Governor in Council of Bombay, on the 2d day of March, 1825, and registered in the Honorable the Supreme Court of Judicature at Bombay, under date the 11th March, 1825.

4th.—A Regulation for restricting the establishment of Printing presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council, on the 1st of January, 1827.

II. 1st.—And be it enacted, that, after the said fifteenth day of September, 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2d.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the Jurisdiction within which such work shall be published, and shall make and subscribe in duplicate the following declaration:

"I, A. B, declare, that I am the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled——— and printed (or published, or printed and published) at———."

And the last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3d.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid, shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher resident within the said Territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such Periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such Periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine, to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration so made and described as is aforesaid, shall be authenticated by the signature and Official Seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying for a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of two rupees.

V. And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration as is aforesaid, attested by the Seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was Printer, or Publisher, or Printer and Publisher, (according as the words of the said declaration may be) of every portion of every Periodical work whereof the

title shall correspond with the title of the Periodical work mentioned in the declaration.

VI. Provided always that any person who may have subscribed any such declaration, as is aforesaid, and who may subsequently cease to be the Printer or Publisher of the Periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration:

"I, A. B. declare that I have ceased to be the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled ———." And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration:—and the Officer, in charge of each original of the latter declaration, shall allow any person applying, to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the Seal of the Court having custody of the original, on payment of a fee of two rupees:—and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, Printer or Publisher of the Periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said Fifteenth day of September, 1835, within the Territories of the East India Company, shall have printed legibly on it, the name of the Printer and of the Publisher, and the place of printing and of publication, and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years.

VIII. And be it enacted, that after the said Fifteenth day of September, 1835, no person shall, within the Territories of the East India Company, keep in his possession any Press for the printing of books or papers, who shall not have made and sub-

scribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years:

"I, A. B. declare, that I have a Press for Printing at——." and this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

MADRAS.—SUNNUDS.

ACT No. XII. OF 1835.

[*Passed on the 3rd August*, 1835.

Regulation IV. 1829, *and Regulation IV. of* 1830, *of the Madras Code rescinded.*

Be it enacted, that Regulation IV. 1829, of the Madras Code, entitled a Regulation for annulling the Sunnuds-i-Milkeut Istimrar, issued for the Zemindarees of Nazeed and Ellore, in the Zillah of Masulipatam, and for empowering the Government to issue new Sunnuds for the same—and Regulation IV. 1830, of the same Code, entitled a Regulation for suspending the Provisions of Regulation IV. 1829, be rescinded.

BOMBAY.—FOUZDARRY ADAWLUT.

ACT No. XIII. OF 1835.

[*Passed on the 3rd August*, 1835.

The Sudder Fouzdarry Adawlut may direct any accused person to be tried in any Zillah.

Be it enacted, that it shall be competent to the Court of Sudder Fouzdarry Adawlut for the Presidency of Bombay to direct, that

any person accused of any offence, and subject to the Jurisdiction of the Courts of the East India Company, may be tried in any Zillah of the said Presidency.

BOMBAY.—MAGISTRACY.

ACT NO. XIV. OF 1835.

[*Passed on the 3rd August*, 1835.

The Governor of Bombay may appoint any Military Officer to be a Magistrate, &c.

Be it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint, any Military Officer in the service of the East India Company, a Magistrate [or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a Special Order any of the powers of a Magistrate.*]

* Repealed by Act IV. 1851.

MADRAS.—EVIDENCE.

ACT No. XV. OF 1835.

[*Passed on the 3rd August*, 1835.

1. *Repeals Reg.* 5, 1802. *Witness not attending before the S. A. or refusing to give evidence, may be fined not exceeding* 500 *rupees, and committed until he shall consent to give evidence. If fine not paid, he may be confined for further term not exceeding* 3 *months.*

2. *Persons guilty of contempt of S. A. in open Court, may be immediately fined, not exceeding* 500 *rupees, or be committed for not exceeding six months.*

3. *S. A. may commit any person who appears to have been guilty of perjury and send him for trial to the Zillah Court, &c.*

1. Firsrt.—Be it enacted, that from the 1st day of September, 1835, section 18, Regulation V. of 1802, of the Madras Code be rescinded.

Second.—Be it enacted, that if a Witness duly summoned by the Court of Sudder Adawlut of Fort St. George, shall not attend, or shall refuse to give evidence in the manner prescribed by the existing Law, that Court may impose on such witness a fine not exceeding five hundred rupees, and may commit him to the Jail

of the Zillah Court nearest to the Presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Sudder Adawlut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the Court of Sudder Adawlut in open Court, the Court may immediately punish the offender by fining him in a sum not exceeding five hundred rupees, or by committing him to custody in the Jail of the Zillah Court nearest to the Presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Sudder Adawlut that any person has been guilty of wilful and corrupt perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency, in order to his being brought to trial before the Court of Circuit of the Division in which such Zillah Court may be situated: and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Circuit.

BENGAL.—INDIGO CONTRACTS.

ACT No. XVI. OF 1835.

[*Passed on the 3rd August*, 1835.

Rescinds ss. 2 and 3, Reg. V. 1830.

Be it enacted, that from the 1st of November, 1835, so much of Section 2, of Regulation V. of 1830 of the Bengal Code, as provides that persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the ryot, together with all expenses and costs of the suit—and section 3 of the same Regulation, providing that persons contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement shall be deemed guilty of a misdemeanor, and liable to punishment,—be rescinded.

Act No. 10, section 3, of 1836, gives a remedy against any person inducing a ryot to break his engagement. Where a ryot is under any contract to cultivate or deliver Indigo Plant, and has received an advance to enable him to do so, any other person, knowing such contract to exist and advance to have been made, shall be liable to an action for damages if he prevails on the ryot to break his engagement.

GOLD AND SILVER COINAGE.

ACT No. XVII. OF 1835.

[*Passed on the 17th August*, 1835.

1. *What Silver Coins shall be Coined within the Territories of East India Company.*
2. *The obverse and reverse to bear the head and name of the reigning Sovereign and the designation of the Coin in English and Persian.*
3. *New Coins a legal tender.*
4. *Relative value between the new Coins and the old ones.*
5. *Quarter Rupee legal tender only in payment of fraction of a Rupee.*
6. *Existing contracts for payment of Calcutta Sicca Rupees at a different rate from the above, if payment is made in any other Presidency shall be performed according to the terms agreed.*
7. *What Gold Coins shall be coined at the Mints.*
8. *What the Gold Coins shall bear on the obverse and reverse.*
9. *No Gold Coin shall be a legal tender.*
10. *The Governor General in Council may direct the coining and issuing of Coins under this Act; prescribe the devices, &c. of Copper Coins, and establish &c. any Mints.*

Be it enacted, that from the First day of September, 1835, the undermentioned Silver Coins only shall be coined at the Mints within the Territories of the East India Company:—A Rupee, to be denominated the Company's Rupee; a Half Rupee; a Quarter Rupee; and a Double Rupee; and the weight of the said Rupee shall be 180 Grains Troy, and the standard shall be as follows:

$\frac{11}{12}$ or 165 Grains of pure Silver,
$\frac{1}{12}$ or 15 „ of Alloy,

and the other Coins shall be of proportionate weight and of the same standard.

II. And be it enacted, that these Coins shall bear on the obverse the head and the name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse

the designation of the Coin in English and Persian, and the words "East India Company" in English, with such embellishment as shall, from time to time, be ordered by the Governor General in Council.

III. And be it enacted that the Company's Rupee, Half Rupee, and Double Rupee, shall be a legal tender in satisfaction of all engagements, provided the Coin shall not have lost more than Two per Cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said Rupee shall be received as equivalent to the Bombay, Madras, Furruckabad and Sonat Rupees, and to Fifteen-sixteenths of the Calcutta Sicca Rupee, and the Half and Double Rupee respectively, shall be received as equivalent to the Half and Double of the abovementioned Bombay, Madras, Furruckabad and Sonat Rupees, and to the Half and Double of Fifteen-sixteenths of the Calcutta Sicca Rupee.

V. And be it enacted, that the Company's Quarter Rupee shall be a legal tender only in payment of the fraction of a Rupee.

VI. Provided, that if in any contract for the payment of Calcutta Sicca Rupees it shall have been specially stipulated that if payment be made in the Territories of the Madras, Bombay. or Agra Presidency, it shall be made in the Rupee now current in those Presidencies respectively, at a different rate from that above provided with reference to the Calcutta Sicca Rupee, the contract shall be satisfied by payment within those Presidencies of Company's Rupees of the amount of Furruckabad, Madras, or Bombay Rupees so specially stipulated:—Provided also, that if payment of the principal or Interest of the Public Debt be made for the convenience of Creditors at any Public Treasury other than as stipulated in the Notes and Engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned Gold Coins only shall henceforth be coined at the mints within the Territories of the East India Company.

First.—A Gold Mohur or Fifteen Rupee Piece of the weight of 180 Grains Troy, and of the following Standard, viz.

$\frac{11}{12}$ or 165 Grains of pure Gold,
$\frac{1}{12}$ or 15 „ of Alloy.

Second.—A Five Rupee Piece equal to a Third of a Gold Mohur.

Third.—A Ten Rupee Piece equal to Two-thirds of a Gold Mohur.

Fourth.—A Thirty Rupee Piece or Double Gold Mohur and the three last mentioned Coins shall be of the same standard with the Gold Mohur, and of proportioned weight.

VIII. And be it enacted, that these Gold Coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, ~~and the words "East India Company" in English~~, with such embellishment as shall from time to time be ordered by the Governor General in Council, which shall always be different from that of the Silver Coinage.

IX. And be it enacted, that no Gold Coin shall henceforward be a legal tender of payment in any of the Territories of the East India Company.

X. And be it enacted, that it shall be competent to the Governor General in Council, in his Executive capacity, to direct the coining and issuing of all Coins authorized by this Act; to prescribe the devices and inscriptions of the Copper Coins issued from the Mints in the said Territories, and to establish, regulate, and abolish Mints, any law hitherto in force to the contrary notwithstanding.

The other Acts relating to the Silver Coinage are, Act 13, 1836, Act 31, 1837, and Act 21, 1838. Under the first, the Calcutta Sicca Rupee ceased to be a legal tender. The Sicca Rupee no longer exists as a Coin, though it is still used in accounts. The second merely suspends so much of the above Act as directs that certain coins shall bear on the obverse the head of the reigning Sovereign,—who was our beloved Queen Victoria. It was timidly and erroneously supposed that the head of a female sovereign would be offensive to the natives of India. Act 21, 1838, allows the Governor General to put her Majesty's head on the Coin. It also enables the Governor General to direct the coinage of Silver Coins of less than a Rupee in even annas.

BENGAL.—CHUPRASS OR BADGES.

ACT No. XVIII. OF 1835.

[*Passed on the 9th November*, 1835.

1. *Repeals Clause* 8, *Section* 9, *Regulation* 11, 1806; *Clause* 4, *Section* 30, *Regulation* 20, *of* 1817.

2. *No person to wear any Chuprass or Badge intended to resemble any Chuprass or Badge worn by servants of Government, under pain of fine and imprisonment as for a misdemeanor.*

3. *Every Chuprass or Badge worn by others than servants of Government shall bear the name of the employer; any violation of this rule shall be punishable with fine and imprisonment.*

Be it enacted, that Clause 8, Section 9, Regulation XI. 1806, and Clause 4, Section 30, Regulation XX. 1817, of the Bengal Code, which prohibit the use of a Chuprass or Badge by peons or other servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessary to the wearing by any other person of any Chuprass or Badge, intended to resemble any Chuprass or Badge worn by servants of the Government; and every person violating this rule, shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor.

And be it enacted, that every Chuprass or Badge worn by any person, not being a servant of the Government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a Chuprass or Badge, or be accessary to the wearing such Chuprass or Badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor,

BOMBAY.—JUDICIARY SYSTEM.

ACT No. XIX. OF 1835.

[*Passed on the 9th November*, 1835.

The Governor in C. may appoint the Assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deccan: the said Agent may refer to him original suits against Sirdars for not exceeding 5000 *Rupees. Within* 30 *days, decree of Assistant shall be open to Appeal to the Agent, and*

from him to Special Appeal to the Governor, or to the Sudder Adawlut, according to rank of Sirdar.

Be it enacted, that it shall be competent for the Governor in Council of Bombay, to appoint the Assistant Judge of the Zillah Court of Poonah, to be Assistant to the Agent for Sirdars in the Deccan; and it shall be competent to the Agent for Sirdars, to refer to his Assistant, Original Suits against Sirdars for amounts not exceeding 5,000 Rupees—and in the trial of such suits, the Assistant shall follow the same rules which are now applicable to the Agent, and every Decree of the Assistant shall be open to an Appeal to the Agent within (30) thirty days from the date of the Decree; and every decision of the Agent on such Appeal shall be open to a Special Appeal under the provisions of Chapter XXXII. Regulation IV. of 1827, of the Bombay Code, to the Governor in Council or to the Sudder Adawlut, according as the rank of the Sirdar may subject him to the jurisdiction of either authority, provided such last mentioned Appeal shall be brought within (90) ninety days after the date of the Decree of the Agent.

BOMBAY.—POLICE.

ACT No. XX. OF 1835.

[*Passed on the 23rd November,* 1835.

The Governor in C. of Bombay may invest the Mahalkarees &c. with Police powers which shall be exercised according to rules in Clause 5, *Regulation* 12, 1827.

Be it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the Mahalkarees or other Officers, howsoever designated, exercising the functions of Mahalkarees, with Police powers within the towns and villages under their charges, to the same extent as are possessed by Komavisdars or Mamlutdars.

And be it enacted, that the proceedings of the Officers invested with Police powers under this Regulation shall be conducted according to the rules prescribed in Chapter V. Regulation XII. 1827 of the Bombay Code, and that the sentences by them awarded shall be carried into effect by the Komavisdars or Mamlutdars, in all cases where it cannot be executed, at the station of the Mahalkaree.

COPPER COINAGE.

ACT No. XXI. OF 1835.

[*Passed on the 7th December*, 1835.

1. *The following Copper Coins only to be issued in Bengal, viz.* (1) *Pice,* (2) *Double Pice;* (3) *Pie, with devices to be fixed by the Govr. Genl. in Council.*

2 *and* 3. *Pice a legal tender for* $\frac{1}{64}$, *double pice for* $\frac{1}{32}$, *and pie for* $\frac{1}{192}$ *of the Co.'s Rupee.*

I. Be it enacted, that from the 20th day of December 1835, the following Copper Coins *only*, shall be issued from any Mint, within the Presidency of Bengal.

1. A pice weighing..... 100 Grains Troy.
2. A double pice..... 200 „
3. A pie one-twelfth of an anna piece 33⅓ „

with such devices as shall be fixed for the same by the Governor General in Council, according to the provisions of Section 10 of Act XVII. of 1835.

[The restriction contained in the above word "only" repealed by Act 11, 1854, s. 1.]

II. And be it enacted, that, from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's Rupee, and the said double pice for $\frac{1}{32}$ of the Company's Rupee, and the said pie for $\frac{1}{192}$ of the Company's Rupee.

III. Provided always, that after the said 20th day of December, 1835, no Copper Coin shall in any part of the Territories of the East India Company be legal tender, except for fractions of a Rupee.

By Act 6, 1857, the Straits' currency is taken out of the operation of this Act.

BOMBAY.—LIGHT-HOUSE FUNDS.

ACT No. I. OF 1836.

[*Passed on the 4th January*, 1836.

The funds raised at the Ports within the limits of the Gulph of Cambay for the support of a Light House upon the Island of Peerim in that Gulph may be applied to other purposes.

Repealed by Act. 17, 1858.

BOMBAY.—CUSTOMS DUTIES.

ACT No. II. OF 1836.

[*Passed on the* 11*th January*, 1836.

1. *Regulation* 3, 1834, *of Bombay Code repealed, except so far as it repeals preceding regulations.*

2. *One and a half per cent. import duty to be levied on articles mentioned in Appendix A, in addition to former custom Duties.*

3. *Drawback allowed on exportation to the United Kingdom in British bottoms. Money paid after* 1*st January*, 1827, *for duties on wines or spirits, not to be recovered back again. Appendix.*

Repealed by Act No. I. of 1838.

BOMBAY.—CATTLE DUTY.

ACT No. III. OF 1836.

[*Passed on the* 8*th February*, 1836.

Duties now levied on import of Cattle into Salsette abolished.

INSOLVENT DEBTOR'S ACT.

ACT No. IV. OF 1836.

[*Passed on the* 22*nd February*, 1836.

Insolvent Debtor's Act continued till 1*st March*, 1839.

BENGAL.—EXECUTIONS.

ACT No. V. OF 1836.

[*Passed on the* 7*th March*, 1836.

Zillah and City Judges may refer to the Principal Sudder Ameen, applications for the enforcement of Decrees.

Repealed in effect by the New Code of Civil Procedure (Act 8 of 1859) and is expressly repealed by a Bill now passing through the Legislative Council, entitled a Bill to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.

MADRAS.—CRIMINAL LAW.

ACT No. VI. OF 1836.

[*Passed on the* 7*th March*, 1836.

The Court by which any person has been committed under Section 22, *Reg.* 3,

1802, *may liberate such person, if the confinement is deemed sufficient. No person to be confined under the said section more than two months.*

It is hereby enacted, that it shall be lawful for any Court by which any person shall be or shall have been committed to custody under the authority of Section 22, Regulation III. 1802, of the Madras Code, to liberate such person when such Court shall be of opinion, that the confinement has been sufficient for the punishment of his offence, and no person shall under authority of the said section, be kept in custody for a term exceeding two months.

BOMBAY.—MUNICIPAL TAXES.

ACT No. VII. OF 1836.

[*Passed on the 28th March,* 1836.

1. *Acts done and levies made under Regulations* 3 *and* 4 *of* 1817; 7 *of* 1818; 4 *of* 1821; 19, 20 *and* 21 *of* 1827; 15 *of* 1828; 20 *of* 1830; 2 *and* 13 *of* 1831; 1 *and* 10 *of* 1833, *shall not be questioned.*

2. *Regulations* 19 *and* 32 *of* 1827, *shall constitute the Law for the Collection of the Taxes therein enumerated, &c.*

I. Obsolete.

II. Annulled by Act 25, 1858.

BENGAL.—PERSONAL DISABILITIES AND PRIVILEGES.

ACT No. VIII. OF 1836.

[*Passed on the 28th March,* 1836.

1. *No person, by reason of place of birth, or of descent, to be incapable of being a Principal Sudder Ameen,* Sudder *Ameen, or Moonsiff.*

2. *British-born subjects or their descendants to be subject to the same jurisdiction as others, in respect of all acts done by them as Principal Sudder Ameen, Sudder Ameen, or Moonsiff.*

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who

shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen or Moonsiff, be liable to the same proceeding, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals as if he were not of British birth or descent.

POWER TO ADMINISTER OATHS.

ACT No. IX. OF 1836.

[*Passed on the* 11*th April*, 1836.

Commanding Officer of any Military Station occupied by East India Company's Troops, competent to administer within the limits of the station the same Oath as any Justice of the Peace.

It is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East India Company, shall be competent to administer, within the limits of such military station, any Oath which a Justice of the Peace is competent to administer within the said territories, and that such Oath shall in all respects, be of the same effect as if taken within the said territories before a Justice of the Peace.

BENGAL.—INDIGO CONTRACTS.

ACT No. X. OF 1836.

[*Passed on the* 11*th April*, 1836.

1. *Repeals Clause* 3, *Section* 5, *Regulation* 6, 1823.

2. *Whenever the right to Indigo Plant is contested and an order made for delivery to one of the parties, the party shall not cut or remove the Indigo until he shall have given security to make good any claim which shall be ultimately established.*

3. *If any person knowing a ryot to have made a contract, under which money has been advanced to the ryot, shall prevail upon the ryot to break his contract, the party who made the advance shall be entitled to proceed by civil action to recover from the other party and ryot damages to the extent of the injury sustained. Provided that a person shall not be liable to an action in consequence of any act done to procure payment of a debt or performance of a lawful contract.*

4. *Plaintiff and defendant may be examined; and compensation for expense and loss of time be awarded, if award is for defendant.*

5 *Zillah or City Judge may refer to a Principal Sydder Ameen, or Sudder Ameen, any suit instituted under Regulaton* 6, 1823, *or under this Act.*

I. It is hereby enacted, that Clause Third, Section V. Regulation VI. 1823, of the Bengal Code, be repealed.

II. And it is hereby enacted, that whenever the right to Indigo Plant may be contested, and an order shall be passed, under the provisions of Clause Ninth, Section III. Regulation VI. 1823, of the Bengal Code, for the delivery of Indigo Plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo Plant until he shall have given sufficient security to the satisfaction of the Court trying the case, to make good any claim that shall be ultimately established to such Indigo Plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the Plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate Indigo Plant for the other party, or to deliver Indigo Plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally damages to the extent of the injury sustained, together with costs of suit.

Provided always, that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any suit instituted under the provisions of Regulation VI. 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the defendant, to assign to

the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen or Sudder Ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI. 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen, or Sudder Ameen, in the same manner, and under the same rules, as such suit may be enquired into and decided by a Zillah, or City Judge any thing in the existing Regulations to the contrary notwithstanding.

BRITISH SUBJECTS PRIVILEGES.

ACT No. XI. OF 1836.

[*Passed on the 9th May*, 1836.

1. *Repeals section* 107, *of* 53 *George* 3.

2. *No person, by reason of place of birth or of descent, shall be exempt from jurisdiction of the Courts enumerated.*

I. It is hereby enacted, that from the first day of June, 1836, the 107th Clause of an Act of Parliament, passed in the 53d year of King George the 3d, and entitled "An Act for continuing in the East India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges:—for establishing further Regulations for the Government of the said Territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said Company's Charter," shall cease to have effect within the Territories of the East India Company.

II. And it is hereby enacted, that from the said day and within the said Territories, no person whatever shall, by reason of place of birth, or by reason of descent be, in any civil proceeding whatever excepted from the jurisdiction of any of the Courts hereinafter mentioned:—that is to say—

The Court of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the Territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts —the Court of the Zillah Judges—of the Assistant Judges— of the Registers, and of the Native Judges in the Territories subject to the Presidency of Fort St. George.

[Sudder Ameens and District Moonsiffs are added by Act 3, 1850.]

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners in the Territories subject to the Presidency of Bombay.

By Acts 24 of 1836; 3 of 1839, and 6 of 1843, the like provision is made in respect of the jurisdiction of Assistant Judges, the jurisdiction of the Revenue Courts, and that of the Courts of Moonsiffs.

FURRUCKABAD.—EXECUTIONS.

ACT No. XII. OF 1836.

[*Passed on the 23rd May*, 1836.

If the holder of a decree passed by the Nuwaub of Furruckabad is unable to obtain execution by the Nuwaub, the Zillah Court may execute it.

An Act of temporary operation. Repealed by XIII of 1840

SILVER COINAGE.—SICCA RUPEES.

ACT No. XIII. OF 1836.

[*Passed on the 23rd May*, 1836.

1. *Calcutta Sicca Rupee to cease to be a legal tender from the 1st of January*, 1838.

2. *Repeals Section 5, Regulation 25, 1817. Pice struck at Benares and Furruckabad to be a legal tender only within those provinces. Proclamation.*

I. It is hereby enacted, that from the first of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in discharge of any debt, but shall be received by the Collectors of Land Revenue, and at all other Public Treasuries by weight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the 1st of June, 1836, Section V. Regulation XXV. 1817, of the Bengal Code, which provides that "the Pice struck at the Mints of Benares and Fur-

ruckabad agreeably to the provisions of Regulation X. 1809, and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circulating equally with the Pice of Calcutta coinage throughout the Provinces of Bengal, Behar and Orssia, and shall in like manner be received as a legal tender in payment of the fractional parts of a Rupee of the local currency at the rate of sixty-four Pice for each Rupee," shall be repealed—and the said Pice shall be a legal tender only within the provinces and places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814 and Regulation XXI. 1816, respectively.

FORT WILLIAM, FINANCIAL DEPARTMENT, THE 23RD MAY, 1836.

The Right Hon'ble the Governor General in Council having this day passed an Act whereby it is declared that after the 1st of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in payment of any debt or demand, but shall be received at the Public Treasuries as Bullion by weight and subject to a seignorage duty of 1 per cent. to pay the expense of re-coinage—Notice is hereby given, that the holders of Calcutta Sicca Rupees shall be entitled until the said date to pay the same into the General Treasury of Calcutta, and to receive in exchange new or Company's Rupees coined under the provisions of the Act No. XVII. of 1835, at the rate of 16 new or Company's Rupees for every 15 Calcutta Sicca Rupees of due weight. The Collectors of Land Revenue will be furnished with the means of similarly exchanging Calcutta Sicca Rupees, for new Rupees and Notice will be given by the Collector in each District of the date from which the exchange will commence at his Treasury. The period to be allowed being in no instance less than three months.

The Right Hon'ble the Governor General of India in Council having repealed Section V. Regulation XXV. 1817, under which the privilege of circulation in Bengal and Behar at the rate of 64 Pice to the local rupee was given to the Trisoolee Pice of Benares, it is hereby notified to the holders of Pice of this description, that on delivery of the same at the Calcutta Mint, if of proper weight and not manifestly spurious, they shall receive for every 720 Pice paid in, 640 new Company's Pice, coined under the Act No. XXI. of 1835, until the 1st July next, but the Mint Officers will not

receive Pice in smaller quantities than above stated, that is, of the value of Ten Rupees for each exchange, and they shall be at liberty to reject as spurious any Pice not of due weight and device, or manifestly not coined at a Government Mint.

BENGAL.—CUSTOMS DUTIES.

ACT NO. XIV. OF 1836.

[*Passed on the 30th May*, 1836.

1. *Regulations imposing Transit and Town Duties in the interior and fixing rates of Import Duty on Sea Goods repealed. Except as regards the Jumna and any Frontier Line, and duties on Western Salt.*

2. *Import Duties to be levied according to Schedule A. annexed.*

3. *Export Duties to be collected on Country Goods according to Schedule B. annexed.*

4. *No Goods entered therein as liable to duty, to be exempted, except by order of Government. But the Collector may pass Baggage belonging to passengers at his discretion.*

5. *Existing Rules to be enforced for levying the new Import and Export Duties.*

6. *Place may be fixed by Governor of Bengal, beyond which an inward bound Vessel is not to proceed until a Manifest has been delivered to Pilot, to be forwarded.*

Master to be responsible for its correctness under penalty of Rs. 1,000.

Goods in excess, or not corresponding with Manifest, to be seized and confiscated, or charged with increased Duties.

The Masters of Vessels lying below place fixed by Governor of Bengal, to deliver Manifests on coming to anchor.

If remaining at anchor 24 *hours without sending Manifest to be subject to penalty of* 1,000 *Rupees.*

7. *No Vessel to break bulk unless two copies of Manifest have been received: order to break bulk may be refused until port-clearances, &c. from place from which the ship has come are delivered.*

8. *Collector may send Custom House Officer on board any Vessel; who shall remain on board till she sails.*

9. *Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to Fine not exceeding* 500 *rupees.*

10. *Collector may order a Vessel to be searched.*

Bulkheads to be broken open if not opened on requisition.

Any concealed Goods to be confiscated.

Resistance or refusal of Masters punishable with fine of 1,000 *Rupees.*

11. *Goods not to be landed or put on board till entry of the Ship is duly made.*

Cargo to be sent ashore and laden outwards according to existing Forms.

12. *Goods unmanifested not to be landed in ordinary form: but to be seized on board.*

Master to be answerable that all Goods manifested are forthcoming and duly passed. Under Penalty of 500 *Rupees for each missing package of unknown value, or double Duty if assessable.*

Rule for presenting an amended or supplemental manifest.

13. *Custom House Officers taking unauthorized Fees or Bribes subject to penalty of* 500 *Rupees.*

Same penalty on persons offering fees or bribes.

14. *Collector to investigate and adjudge confiscation.*

Board's confirmation necessary.

15. *Twenty or thirty days allowed to clear inwards according to tonnage.*

After which time the Master shall pay charges of Custom House Officer.

Master to land Goods if Consignees do not.

If these fail to do so Collector may land and warehouse.

And may land packages before twenty days with consent of Master.

16. *Further period of* 15 *or* 20 *days for continuous lading for export.*

If the Vessel be laid up, Tide waiter to search and leave, certifying that it is empty.

20 *and* 30 *days, according to tonnage, allowed for lading a Vessel outwards after being laid up, but search and certificate that nothing is on board necessary.*

17. *When penalty has been incurred by a Master—The Collector may refuse Port Clearance of the Vessel till it be paid.*

18. *Goods shipped after Port Clearance to pay double Duty, and* 5 *per cent. if free of duty.*

19. *In case of re-landing for damage, &c. Officer to proceed on board to watch. Bad Cargo not to be exempt from Duty on re-export unless all the while in charge of Custom House Officers.*

Proviso for re-importation when Duties and Drawbacks are to be refunded.

And Master to forfeit the value of Drawback, Goods not forthcoming

20. *No refund of Export Duty after Port Clearance*

21. *Arab and other foreign Asiatic Vessels to be deemed foreign.*

22. *Dhoonies, &c. to be required to anchor in a particular part of the River.*

Penalty if not moved to said Ghat when required, 100 *Rupees.*

Vessel, its Equipment or Cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British Vessels.

The Duties in Schedules A and B are repealed by Act 7 of 1859, except as to Salt and Opium and new Duties are substituted, and the same Sea-customs are imposed for all the Indian Territories. The Land-customs are separate. See Notes to Schedules and Index to Acts.

I. It is hereby enacted, that from the first of June next, such parts of Regulations IX. and X. 1810, Regulation XV. 1825, and of any other Regulations of the Bengal Presidency as prescribe the levy of Transit or Inland Customs Duties, or of Town Duties; and likewise the Schedules of Duties and Provisions of

any kind contained in these or any other Regulations for fixing the amount of duty to be levied upon Goods imported into or exported from the said Presidency by sea, shall be repealed. Provided, however, that nothing herein contained shall be construed to prevent the levy of duties at the rates now in force at the Custom Houses and Chokies established on the line of the Jumna, or on any Frontier line, upon Goods crossing that line for import into, or export from the Territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying duties on Salt, the produce of Western and Central India.

II. And it is hereby enacted, that duties of Customs shall be levied on Goods imported by Sea into Calcutta or into any other place within the Provinces of Bengal and Orissa according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein, and the said Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

III. And it is hereby further enacted, that duties of Customs shall be levied upon Country Goods exported by Sea from any Port of Bengal or Orissa according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule, with the Notes attached thereto, shall also be taken to be a part of this Act.

IV. And it is hereby enacted, that no Goods or Articles whatsoever entered in either of the said Schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal.—Provided, however, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty, as heretofore, any Baggage in actual use, at his discretion, and in case of any person applying to have Goods passed as such, the Collector acting under the orders of the Board of Customs, Salt and Opium, shall determine whether they be Baggage in actual use, or Goods subject to Duty, under the Rules of this Act.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of duties of Customs on Goods imported into or exported from Calcutta, and other Ports of the Presidency of Fort William in Bengal, shall continue to be in force and shall be observed and applied for the levy of the Import

and Export duties imposed by this Act, unless repealed or altered or repugnant to provisions thereof.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an Order printed in the *Calcutta Gazette*, to fix a place in any River or Port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound Vessel, save and except such Dhoonies and Country Craft as are referred to in Section XXII. of this Act, to pass until the Master or Commander shall have delivered to the Pilot on board, for the purpose of being forwarded, by the public dawk or otherwise, as may be ordered by the Board of Customs, Salt and Opium, a manifest, made out in the form prescribed by Section XLV. Regulation IX. 1810. And it is hereby enacted, that if the Manifest so delivered by the Master and Commander shall not contain a full and true specification of all the Goods imported in the Vessel, the Master or Person in charge thereof, shall be liable to a fine of 1,000 Rs.; and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased Duties as may be determined by the Board of Customs, Salt and Opium; and if any inward-bound Vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the Master or Commander shall in like manner, deliver to the Pilot, so soon as the Vessel shall anchor, a Manifest as above prescribed; and if any Vessel entering a Port for which there is a Custom House established, shall lie at anchor therein for the space of twenty-four hours, the Master and Commander whereof shall neglect to deliver the said Manifest to the Pilot on board, he shall, for such neglect, be liable to forfeit the sum of 1,000 Rs., and no Entry or Port Clearance shall be given for such Vessel, until the fine is paid.

VII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until the Manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the Collector of Customs, and order shall have been given by the said Collector for the discharge of the cargo, and the said Collector may further refuse to give such order if he shall see fit until any

Port Clearances, Cockets, or other papers known to be granted at the places from which the Vessel is stated to have come shall likewise be delivered to him.

VIII. And it is hereby enacted, that it shall be competent to the Collector of Customs at any Port of Bengal or Orissa, at his discretion to send one or more Officers of Customs on board of any Vessel at any time, and the Custom House Officers so sent, shall remain on board of such Vessel by day and by night, until the Vessel shall leave the Port, or until it be otherwise ordered by the Collector of Customs.

IX. And it is hereby enacted, that any Master or Person in charge of such Vessel who shall refuse to receive a Custom House Officer on board when so deputed as above provided, or shall not afford such Officer suitable shelter and sleeping accommodation while on board, shall be liable to fine, not exceeding the sum of 500 Rupees for each day during which such Officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by and at the discretion of the Board of Customs, Salt and Opium at Calcutta, and the Vessel by the Master or Person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

X. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom House Officer on board, or to any other Officer under his authority, and upon production of such order, the Officer bearing it shall be competent to require any Cabins, Lockers or Bulkheads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be confiscated; and any Master or Person in charge of a Vessel, who shall resist such Officer, or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence, to a fine of 1,000 Rupees. to be adjudged by any Magistrate or Justice of the Peace of the place.

XI. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel, or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the

Port, and Order shall have been given for discharge of the Cargo thereof as above provided, and it shall be the duty of the Custom House Officer on board, and of all Officers of Customs, to seize as contraband any Goods which shall have been removed or put on board of any Vessel in contravention of the above provision, or which any attempt shall have been made to remove from or to put on board of any Vessel in contravention of the above provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be intended and declared for re-exportation in the same Vessel shall be sent to land. And Export Cargo shall be laden on board thereof according to the rules and practice now in force, and if an attempt be made to land or put on board Goods or Merchandize in contravention thereof, the Goods or Merchandize shall be liable to seizure and confiscation.

XII. Provided however, and it is hereby enacted, that no Goods shall be allowed to leave any Vessel under the said rules, unless the same be duly manifested, and any Goods found on board in excess of the Manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom House Officer on board, in order that they may be dealt with as prescribed in Section VI. of this Act; and if Goods entered in the Manifest shall not be found on board the Vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other Ghaut or place as the Collector of Customs shall have prescribed or permitted, there to be passed in due form, the Master or Commander shall be liable to a penalty not exceeding 500 Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if capable of being assessed therewith. Provided, however, that nothing herein contained, shall be construed to prevent the Collector of Customs from permitting the Master or Commander of any Vessel, to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest, but the receiving of such shall always be discretionary.

XIII. And it is hereby enacted, that any Custom House Officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or Order of Government in consideration

of doing, or of omitting to do, any act in his Official capacity, shall forfeit for every such offence, the sum of 500 Rupees, and any person who shall offer a Bribe to any Custom House Officer in order to induce such Officer to act in a manner inconsistent with his duty, shall forfeit a like sum; and these penalties shall be adjudged on conviction before any Magistrate or Justice of the Peace of the Town, District, or Place where the Custom House may be established by such Magistrate, and in default of payment, any person so convicted shall be committed to the Civil Jail of the City or District until the fine be paid, or for a period not exceeding six months.

XIV. And it is hereby enacted, that when Goods shall be seized as contraband and liable to confiscation, the Collector of Customs shall investigate the case, and, according to his judgment, shall either release the Goods or adjudge them to confiscation; and whenever he shall declare Goods to be confiscated, he shall report his proceeding for confirmation and final adjudication by the Board of Customs, Salt and Opium. Provided, however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of Goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Customs Laws.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day of the Tide Waiter or other Custom House Officer first going on board. And if the whole Cargo be not discharged by the expiration of the above stated periods respectively, the Master or Commander shall be charged with the Tide Waiter's or other Officer's Wages, and other expenses for any further period that he or they may be detained on board. And if the Owners, Importers or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master or Commander so to do. And if any Goods remain on board after the time fixed as above for the discharge of the Import Cargo, the Collector may order the same to be landed and warehoused for the security of the duties charge-

able, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of the Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouse for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case Goods so landed and warehoused, or any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of landing, it shall be competent to the Collector to sell the same on account of the Duties, Freight and other Charges incurred and due thereon.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and Holidays excluded, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed 600 tons burthen, and twenty days, if exceeding that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case, not be charged with the wages and expenses of the Custom House Officer on board until after the expiration of such additional periods respectively. And if a Vessel having discharged its Import Cargo shall be laid up, the Custom House Officer on board shall be withdrawn so soon as he shall certify that no Goods remain on board excepting necessary Stores and Articles for use, and when a Vessel so laid up, shall be entered at the Custom House for receipt of Export Cargo, a Custom House Officer shall be sent on board, and if the said last-mentioned Officer shall certify that no Goods are on board saving as above excepted, twenty days, exclusive of Sundays and Holidays as above shall be allowed from the date of such certificate for the lading outwards of a Vessel not exceeding 600 tons, and thirty days for Vessels exceeding that burthen, after which periods respectively, the Master and Commander shall be charged with the wages and expenses of the Custom House Officer on board to the date of the Vessel's sailing from the Port.

XVII. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the Orders of the

Board of Customs, Salt and Opium, to refuse Port Clearance to such Vessel until the fine shall be discharged.

XVIII. And it is hereby enacted, that upon any Goods passed through the Custom House for shipment, the application for which shall be presented after Port Clearance shall have been taken out, double the prescribed Duty shall, in all cases, be levied, and if the Goods be free, five per cent. upon the market value shall be levied thereon.

XIX. And it is hereby enacted, that when a Vessel having cleared out from any Port shall put back from stress of weather, or it shall, for any damage or from other cause, be necessary that the Cargo of a Vessel that has cleared out, shall be unshipped or re-landed, a Custom House Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing or removal from on board; and the Goods on board such Vessel shall not be allowed to be transhipped or re-exported, free of duty, by reason of the previous settlement of Duty at the time of first export, unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessel, under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody, shall be borne by the Exporter or by the Applicant for this advantage. Provided, however, that in all cases of return to Port after Port Clearance, on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master and Commander to re-enter the Vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded, and the amount paid in Drawback be reclaimed, and the Goods be placed in all respects as before being passed for exportation; and if Goods, on account of which Drawback has been paid, be not found on board the Vessel, the Master shall forfeit the entire value therof, unless he account for them to the satisfaction of the Collector of Customs.

XX. And it is hereby enacted, that when Goods shall be re-landed before the lading of any Vessel is complete and Port Clearance has been granted, the Duty levied upon such Goods, shall be returned to the Exporter, but no refund shall be made of Duty paid on the export of any Goods after Port Clearance shall have been granted for the Vessel on which the Goods were exported, except the Vessel shall have put back for stress of weather or for

damage, and the Goods shall have been re-landed under the Rule contained in Section XIX. of this Act.

XXI. And it is hereby further enacted, that Vessels owned by Natives of Arabia and coming from the Ports thereof, and likewise the Vessels of any Country or Port of Asia not subject to the Dominion of the King of the United Kingdom of Great Britain and Ireland, excepting Dhoonies and small Craft from the Maldive and Nicobar Islands as hereinunder provided, shall be deemed Foreign Vessels.

XXII. And it is hereby enacted, that Dhoonies, Country Craft and other small Vessels, not brought into the Ports of Calcutta by Pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by the Collector of Customs, with the sanction of the Board of Customs, Salt and Opium, and if any such Vessel shall anchor in any other part of the River than as so marked out, and the Master or Person in charge thereof shall not immediately upon being ordered so to do move his Vessel to the place marked out, he shall be liable to a fine of 100 Rupees, to be adjudged by the Collector of Customs, and the Vessel or any part of its equipment or Cargo may be seized and sold in satisfaction of such fine, and Goods shall be landed from such Vessels and put on board for Export according to such rules and at such places as shall be prescribed by the Collector of Customs, and Vessels of this description coming from the Maldives, or from the Nicobar Islands shall be considered as British Vessels.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any part of the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
18	Opium, - - - -	24 Rs. per Seer of 80 Tolahs.	
19	Salt, - - - - -	Rs. 3-4 per Md. of 80 Tolahs per Seer.	

The differential scale between British and Foreign Bottoms was abolished by Act VI. of 1848.

The Tariff in Schedule A. was repealed as to all manufactured articles by Act IX. of 1845 and has been subsequently repealed as to all except Salt and Opium by Act VII. of 1859. For the existing Tariff see that Act.

And when the Duty is declared to be *ad valorem* it shall be levied on the Market value without deduction, and if the Collector of Customs shall see reason to doubt whether the Goods come from the Country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt and Opium.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be indentified to the satisfaction of the Collector of Customs, there shall be retained one eighth of the amount of Duty levied and the remainder shall be repaid as Drawback. And if Goods be re-exported in the same ship without being landed (always excepting. Opium and Salt, in regard to which the special rules in force shall continue to apply,) there shall be no Import Duty levied thereon.

SCHEDULE B.

Rates of Duty to be charged upon Goods Exported by Sea from any Port or Place in the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
5	Opium purchased at Government Sales in Calcutta, - -	Free.	Free.

The differential scale between British and Foriegn Bottoms was abolished by Act VI. 1848.

The Tariff in Schedule B. was repealed except as to Salt and Opium by Act VII of 1859. For the present Tariff see that Act.

And when the Duty is declared to be *ad valorem*, the same shall be levied on the market value of the Article at the place of Export, without deduction.

[And in settling for the Duties on Exports by Sea, credit shall be given for payment of Inland Customs Duty, and Drawback shall be allowed of any excess of Duty paid upon production of Ruwanas under the following conditions, until the 1st April, 1837.] Repealed by Act XXXV. of 1855.

First—That the Goods shall be identified, and destination to the Port of Export proved in the usual manner.

Second.—That the Ruwanas shall bear date before the 1st April, 1836; and the Goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said 1st April, 1837, credit shall not be given, nor shall Drawback be allowed, of any Inland Customs or Land Frontier Duty, paid at any Custom House or Chokee of the Jumna Frontier Line, or of Benares, except only upon the Article of Cotton Wool covered by Ruwanas taken out at the Custom Houses of the Western Provinces, and proved to have been destined for Export by Sea when passed out of those Provinces. [The Duty on Cotton is repealed by Act XXXV, 1855.]

FORT WILLIAM, GENERAL DEPARTMENT, THE 30TH MAY, 1836.

Under the powers conferred by the 6th Section of the Act No. XIV. of this year, the Governor of Bengal has fixed the Station of Kedgeree, in the River Hooghly, as the place beyond which no Vessel, inward bound, shall pass, until the Master and Commander shall have delivered a Manifest of the Cargo and Goods laden therein drawn up in the form prescribed by Section XLV. Regulation IX. 1810, to the Pilot on Board, in order that it may be forwarded to Calcutta in such manner as may be ordered by the Marine Board.

SUBATHOO AND ANNEXED TERRITORIES.

ACT No. XV. OF 1836.

[*Passed on the 13th June*, 1836.

The Functionaries in political charge of Subathoo shall be under the control in civil cases of the Sudder Dewanny Adawlut at Allahabad, subject to instructions from the Governor General of India in Council.

Repealed by Act XXXII. 1850.

MADRAS.—VAKEEL.—IN COMMISSIONER'S OFFICE.

ACT No. XVI. OF 1836.

[*Passed on the 20th June*, 1836.

1. *The Additional Government Commissioner appointed by Regulation of*

1833, *may nominate a Vakeel in his Office, who, if approved, shall receive a Sunnud of appointment.*

2. *The said Commissioner may suspend his Vakeel, reporting his reasons.*

3. *The Provincial Court may dismiss any such Vakeel.*

4. *The said Commissioner shall frame a body of rules for the practice and remuneration of the Vakeels.*

5. *None to Act as Vakeels, but those appointed in manner directed by this Act.*

I. It is hereby enacted, that from the 1st day of August, 1836, it shall be lawful for the Additional Government Commissioner appointed by Regulation IV. of 1833, of the Madras Code, to nominate for the approbation of the Provincial Court of the Centre Division any person whom the said Commissioner may think fit to be a Vakeel in the Office of the said Commissioner; and if the Provincial Court shall approve of such nomination, the person nominated shall be appointed a Vakeel in the Office of the said Commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said Commissioner.

II. And it is hereby enacted, that it shall be lawful for the said Commissioner to suspend any such Vakeel from his functions, but in every such case, the said Commissioner shall forthwith report such suspension and the grounds thereof, to the said Provincial Court.

III. And it is hereby enacted, that it shall be lawful for the said Provincial Court to dismiss any such Vakeel.

IV. And it is hereby enacted, that the said Commissioner shall frame with all convenient speed, a body of rules for the practice and remuneration of the Vakeels of his Office, and shall submit the same to the Court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said Court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a Vakeel in the manner directed by this Act, or under suspension, or after dismission, shall act as a Vakeel in the Office of the said Commissioner.

TERRITORIES OF BEGUM SUMROO.

ACT No. XVII. OF 1836.

[*Passed on the 20th June*, 1836.

1. *When any of the Territories lately held by the Begum Sumroo shall be annexed to any district, the laws in force in the district shall be in force in such territories also.*

2. *The Criminal Courts shall not take cognizance of any offence committed in such Territories until specially empowered.*

3. *No Civil Court to take cognizance of any claim, if previously adjudicated upon by a Court competent to pronounce a decision.*

An obsolete Act.

BOMBAY.—TOLLS.

ACT No. XVIII. OF 1836.

[*Passed on the 5th September*, 1836.

Repealed together with Regulations IX. of 1830, and XI. of 1831, by Act, No. II. of 1837, and the last mentioned Act, by Act No. VIII. of 1841, by which other Tolls are established.

BANK OF BENGAL.

ACT No. XIX. OF 1836.

[*Passed on the 19th September*, 1836.

I. It is hereby enacted, that from the day of the passing of this Act any person may hold Capital Stock of the Bank of Bengal to an amount not exceeding 1,60,000 Company's Rupees, and that any existing Proprietor of Stock of the said Bank, may subscribe for additional Stock of the said Bank in proportion to his interest, any restriction in the Charter of the said Bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of Sicca Rupees which is the increased Capital Stock of the said Bank, shall, on or before the 1st of October, 1836, be made up by the Governor General of India in Council, to the sum of 75 lacs of Company's Rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's Rupees shall, from the 1st day of October, 1836, be the Capital Stock of the said Bank; and shall be divided into 1875 Shares of 4,000 Company's Rupees each.

IV. And it is hereby enacted, that 275 of the said Shares numbered from 1 to 275 inclusive, shall be the property of the Governor General of India in Council on behalf of the East India Company, and that the remaining 1,600 Shares numbered from 275 to 1875 inclusive, shall be the property of those persons who, on the said 1st of October, 1836, shall be Proprietors of the Capital Stock of the said Bank, and that every such Proprietor shall, for every sum of Sicca Rupees 3750 of Stock of the said Bank held by him be entitled to one of the said Shares.

V. And it is hereby enacted, that on the 30th of September, 1836, the account of the Profits upon the Capital Stock of the said Bank, as consisting of 50 lacs of Sicca Rupees, divided into 500 Shares, shall be wound up and a dividend declared; and that from the 1st of October 1836, the holders of the new Shares of 4,000 Company's Rupees each, shall be entitled to shares in the Profits of the Bank in proportion to their interest, and that the first dividend on the said new Shares, shall be declared on the 1st of January, 1837.

VI. And it is hereby enacted, that if the subscription for any Share shall not be paid up on or before the 1st of October, such Share shall become the property of the said Bank, and shall be sold for the benefit of the said Bank and the Profits of such sale, shall be added to the profits of the said Bank.

VII. And it is hereby enacted, that certificates shall be granted for the said Shares of 4,000 Company's Rupees each, in the same manner in which Certificates have hitherto been granted for Shares of the Capital Stock of the said Bank; and that the said Shares of 4,000 Company's Rupees each shall be registered, and shall be transferable and assignable in the same manner, in which Shares of the Capital Stock of the said Bank have hitherto been.

VIII. And it is hereby enacted, that the said Shares of 4,000 Company's Rupees each, may be sub-divided into Quarter Shares of 1,000 Company's Rupees each, and that such Quarter Shares may be assigned, transferred and reunited, in the same manner in which fractional parts of shares of the Capital Stock of the said Bank, have hitherto been assigned, transferred and reunited.

IX. And it is hereby enacted, that the Proprietors of the Capital Stock of the said Bank shall, from the 1st day of October 1836, be entitled at their meetings, to vote according to the following scale.

1	Share of 4,000 Co.'s Rs. shall entitle to	1	Vote.
5	Shares	2	Votes.
10	"	3	"
15	"	4	"
20	"	5	"
30	"	6	"
40	"	7	"

Act No. VI. of 1839, rescinds the above and Act No. XXIV. of 1838, save as to such particulars as are therein mentioned.

Repealed for N.W.P by Act XIX of 1863

BENGAL.—REVENUE SALE LAW.

ACT No. XX. OF 1836.

[*Passed on the 19th September*, 1836.

1. *Repeals part of Clause 3, Section 3, Regulation 11, 1822.*

2. *No Butwarra while in progress shall be quashed by Board of Revenue, except as herein provided.*

3. *Board may give six months' notice of intention to quash any Butwarra. Notice to be affixed in office of Collector and Moonsiff. Butwarra may be quashed if not objected to within six months.*

4. *Legalizes acts done before 1st October*, 1836.

I. It is hereby enacted, that from the 1st day of October, 1836, so much of Clause 3, Section III. Regulation XI. of 1822 of the Bengal Code, as provides "that Joint Estates shall not be liable to Sale of arrears that may accrue during the progress of a Butwarra or Partition, until the expiration of the year within which the arrear may become due"—be repealed.

II. And it is hereby enacted, that from the said 1st day of October, 1836, no Butwarra while in progress, shall be quashed by the Board of Revenue, or by any Officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said Officers, to give six months' notice in writing of an intention to quash any Butwarra; and such notice shall be affixed at the Offices of the Collector of the District and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated: and if within six months after such notice no party to the said Butwarra, shall deliver to the said Collector a written declaration, that he the said party objects to the quashing of the said Butwarra, it shall be lawful for the said Board, or the said Officer to quash the said Butwarra.

IV. And it is hereby enacted, that every Butwarra which, before the said 1st day of October, 1836, may have been quashed by the said Board, or by any of the said Officers, shall be taken by all Courts to have been lawfully quashed.

Act XI. 1859, is the latest and principal Act relating to sales of Zemindaries for arrears of Revenue, and it gives sharers the right to have their shares separately assessed and provides for their partition in a Summary manner.

BENGAL.—CREATION OF ZILLAHS.

ACT No. XXI. OF 1836.

[*Passed on the 19th September*, 1836.

The G. G. in C. may, by order in Council, create new Zillahs, and alter the limits of existing Zillahs.

It is hereby enacted, that from the 1st day of October, 1836, it shall be lawful for the Governor General in Council, by an Order in Council, to create new Zillahs in any part of the Presidency of Fort William in Bengal, and to alter the limits of existing Zillahs.

BENGAL.—EASTERN CANAL TOLLS.

ACT No. XXII. OF 1836.

[*Passed on the 26th September*, 1836.

1. *Repeals Regulation 7, 1810, and such parts of Regulation 18, 1806, as relate to the Eastern Canal called Tolly's Nullah.*

2. *Governor of Bengal may prescribe the amount of Toll on boats, &c. entering on, or passing out of or through the Eastern Canal on either of two specified lines.*

3. *Toll not to exceed amounts in this section specified.*

4. *The said Governor may fix a rate of rent to be levied on every boat which shall remain in any part of the line longer than two days, not exceeding amount specified.*

5. *The said Governor may appoint Officers to collect the Tolls and to prevent obstructions and injuries.*

6. *Whoever wilfully causes any obstruction or damage, shall be punishable with imprisonment not exceeding 14 days, or fine not exceeding 50 rupees or both, and in default of payment fourteen days further imprisonment.*

7. *Notifications of the rates of Toll and Rent and places of Collection and of all rules to be published in the Calcutta Gazette and exposed at every Toll-house in English, Persian and Bengalee.*

8. *If the toll or rent is not paid on demand, the boat, raft, or cargo may be seized and sold after ten days, unless paid in the interval; the excess raised by sale, after payment of expenses to be returned to the owner.*

9. *If any person in charge of any boat &c. attempt to evade payment, or resist seizure, such boat &c. shall be forfeited.*

Amended by Act X. 1853.

I. It is hereby enacted, that from the first day of November,

1836, Regulation VII. of 1810 of the Bengal Code, and also such parts of Regulation XVIII. of 1806 of the Bengal Code, as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said first day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of Toll, and the mode of levying the same, on boats, rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described —that is to say.

1st. The Eastern Canal aforesaid from its entry into the Sunderbunds, to its junction with the River Hooghly.

2nd. The line made up of the Channel across the Salt-water Lake to Baminghatta, of the Canal leading from the Salt-water Lake to the Boitakhana Road, and of the new Circular Canal which connects the last mentioned Canal with the River Hooghly.

III. Provided always, that the aggregate amount of Toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one Rupee and a half for every hundred Maunds burden on any boat, or two Annas for every timber, on every raft of timber, or four Annas for every hundred bamboos, on every float of bamboos.

IV. [Repealed by Act X. of 1853.]

V. And it is hereby enacted, that the said Governor shall be competent to appoint Officers for the collection of the Tolls and Rent hereinbefore mentioned, and to confer on such Officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable Streams and Rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

VII. And it is hereby enacted, that Notifications of the rates of Toll and Rent, and of the places of collection, and of all Rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every Toll-house on either of the said lines, in the English, Persian and Bengalee tongues.

VIII. And it is hereby enacted, that if the Toll or rent due in respect of any boat, raft or float, on either of the said lines, shall not be paid on demand to an Officer authorized by the said Governor to receive the same, it shall be lawful for such Officer to seize such boat, raft or float, and the cargo thereof, and to detain the same, and if the said Toll or Rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft or float, shall be released, or if not paid within the said ten days, it shall be lawful for such Officer, with the sanction and under the directions of the Superintendent of Canals, to sell the Property seized, or so much thereof as the said Superintendent shall direct, for the purpose of satisfying the Toll or rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case, so much of the property seized which has not been sold, and so much of the price of the property sold as is in excess of the sum necessary for satisfying the Toll or Rent which is due, and for defraying the expenses of seizure and detention, shall be returned to the Owner of the boat, raft or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft or float, shall attempt to evade payment of the Toll or Rent due thereon or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat raft or float and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent, subject to appeal to the Commissioner of Revenue and Police.

MADRAS.—THE ZEMINDAREES OF GOOMSUR AND SOORADA.

ACT No. XXIII. OF 1836.

[*Passed on the 10th October*, 1836.

1. *The ordinary functions of the Courts of Justice suspended, until revived by proclamation.*

2. *The Governor of Fort St. George may appoint a Commissioner, with powers to be derived from the said Governor in Council.*

3. *This Act not to affect the jurisdiction of the Court of Circuit or Sudder Foujdaree Adawlut in cases pending.*

4. *Court of Circuit and of Sudder Foujdaree Adawlut may have criminal jurisdiction over persons committed by Commissioner for trial.*

Repealed by Act XXXIX. 1858.

NAMES OF OFFICE--MADRAS AND BOMBAY.

ACT NO. XXIV. OF 1836.

[*Passed on the* 10*th October*, 1836.

1. *Officers designated in the Regulations of Fort St. George as Native Judges shall be designated as Principal Sudder Ameens.*

2. *Ditto as to the Bombay Presidency; and principal Native Officers and Junior Native Commissioners, to be respectively designated as Sudder Ameens and Moonsiffs.*

3. *Every British-born subject, or descendant, who shall be appointed a Principal Sudder Ameen, Sudder Ameen or Moonsiff, int he Presidencies of Fort St. George or Bombay, shall, in respect of his official acts, be amenable to the jurisdiction of the same tribunals as if he were not of British origin.*

5. *No person shall by reason of place of birth or of descent be exempted from the jurisdiction of the Assistant Judge of Bombay.*

I. It is hereby enacted, that the Officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Criminal Judges, shall, from the 1st day of November, 1836, be designated as Principal Sudder Ameens.

II. And it is hereby enacted, that from the said first day of November, 1836, the Officers who in the Regulations of the Presidency of Bombay are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the Officers who in the said last mentioned Regulations are designated as Principal Native Commissioners, shall be designated as Sudder Ameens, and the Officers who in the said last mentioned Regulations are designated as Junior Native Commissioners, shall be designated as Moonsiff.

III. And it is hereby enacted, that from the said first day of November, 1836, no person whatever shall, by reason of place of birth or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidency of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen or Moonsiff in the Territories subject to the Presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that, from the said first day of November, 1836, no person shall, by reason of place of birth, or by reason of descent, be exempted in any Civil proceeding from the jurisdiction of the Assistant Judges in the Territories subject to the Presidency of Bombay.

PUBLIC WAREHOUSING ACT.

ACT No. XXV. OF 1836.

[*Passed on the* 31*st October*, 1836.

1. *Government of Presidencies to declare Warehousing Ports.*

2. *Importers may then Warehouse.*

3. *Making application in Form A. annexed. Goods first to be assessed for Customs Duty. Warehouse-keeper to be answerable for weight or gauge of the Custom House allowing for wastage.*

4. *Misdescription of Tale Goods or Packages to injury of revenue, punishable by fine of ten times the loss. Error of over-statement may be rectified before, not after entry into Warehouse,*

5. *Packages to be marked and numbered before reception into Warehouse.*

6. *When the Duty exceeds* 100 *Rs. Bond may be executed for it in Form B. And Goods may then remain in Warehouse for fifteen months without demand of Duty. Bond to be for twice the Duty and to bear interest from the date of demand. The Obligee to be bound for all duties and charges claimable on the Goods and for all penalties.*

7. *But Collector to have power to proceed against the Goods or under the Bond at his option. And to detain Goods and sell after ten days if the demand be not paid. Proceeds of Sale to be written off on the Bond, and surplus paid over to the Owner of the Goods. No transfer to bar this process.*

8. *After fifteen months the Board may renew the Bond for other fifteen months.*

9. *Goods re-landed from a Vessel put back may be Warehoused without Bond and re-shipped under the previous Settlement of Duties. Exception.*

10. *Reserved Duty on re-export to be chargeable on removal of Goods for Shipment, and Bonds to be cancelled on payment thereof.*

11. *On removal, otherwise than for re-export, or if not cleared in time, full Import Duty to be levied with interest and charges. And Collector may cause Goods to be sold in satisfaction if not paid in ten days.*

12. *Removal of Goods to be noted in the Bond with particulars.*

13 *And the same particulars to be Registered in the Register of Bonds. When Registry shows all the Bonded Goods to have been cleared out, Bond to be cancelled and returned to the Obligee.*

14. *The Custom House Godowns and other Government Godowns to be Public Warehouses. These to be under the Collector's or Warehouse-keeper's key.*

15. *Board to determine what Goods are to be receivable into Public Warehouse, and the terms and rates of Warehouse rent or hire. Table of Rates to be exposed conspicuously.*

16. *Owners to have access to their Warehoused Goods, attended by a Custom House Officer during business hours.*

17. *Expenses of carriage, packing, &c. are to be borne by the Owners, and to be realized as Customs Duties. Bill for Rent to be sent in monthly, and if not paid in ten days Goods may be sold in satisfaction. Collector not answerable for loss by fire or other accident, nor for damage.*

18. *Wastage to be allowed as per Table.*

19. *Board may License any Private Warehouses. License to be revocable at pleasure unless otherwise stipulated.*

20. *Applications for License for Private Warehouses to be in Form C. with particulars filled up.*

21. *Collector or Warehouse-keeper to have access to all Licensed Warehouses for himself and his Officers. Proprietors refusing admittance subject to penalty of 1,000 Rs. and withdrawal of Licence Bonds for Duty to be put in suit seven days after notice of such penalty or of withdrawal of Licence.*

22. *If Goods be found deficient beyond the wastage allowance at time of delivery from Warehouse, owner to forfeit ten times the Duty on the deficiency. If found excessive ten times the Duty to be paid on the excess, and Goods to be detained till paid.*

23. *Collector of Customs may issue Warrant for breaking Packages to search and examine Goods. When re-packed to be sealed and seal not to be re-broken without sanction of Board, except under application from Proprietor. Then to be re-sealed.*

24. *Goods to be stamped on reception into or delivery from Warehouse. The stamp not to be removed or effaced without sanction of Collector, under Penalty of 500 Rupees on conviction before a Magistrate. But Owners may be allowed by the Collector to take samples.*

25. *Goods not to be removed from Warehouse without being passed through the Custom House.*

26. *If a Package be broken, Duty to be levied on all the Goods contained therein.*

27. *Applications to remove Goods to be made in Form D. And twenty-four hours' Notice to be given of removal.*

28 *Goods may be removed from one Warehouse to another, application being made in Form E.*

29. *No Duty to be levied on Goods destroyed by fire or other accident; and if damaged, Duty to be levied on the damaged value.*

30. *Penalties under this Act to be adjudged by the Collector of Customs subject to confirmation by the Board, or other superior authority of Customs.*

Act No. XIII. of 1841 is an Act for explaining the provisions of this Act. It relates merely to allowance for ullage in wine and spirits.

I. It is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any Presidency, to declare any Port within the Territories of such Presidency, a Warehousing Port.

II. And it is hereby enacted, that it shall be lawful for any person who imports Goods into any such Warehousing Port, to lodge such Goods in any Public Warehouse, or in any Private Warehouse, licensed in the manner hereinafter described.

III. And it is hereby enacted, that applications shall be made for the admission of such Goods into such Warehouses as aforesaid in the Form A. annexed to this Act, and the said Form shall be signed by the Importer, Owner, or Consignee; and no Goods shall be lodged in any such Warehouse until they shall hvae been assessed for Customs Duty, according to the Rules in force at the place of importation, and the Keeper of every such Warehouse shall be answerable for the weight or gauge reported by the Custom house Officers, who shall have assessed the said Goods, deducting the wastage hereinafter allowed.

IV. And it is hereby enacted, that when Goods shall be passed by tale or by package, every omission or misdescription tending to injure the revenue, shall be an offence punishable with fine, not exceeding ten times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if Goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said Goods in such Warehouse as aforesaid, but not after the said Goods have been so lodged.

V. And it is hereby enacted, that no packages of Goods shall be admitted into any Public or Licensed Warehouse unless numbered and marked in plain and legible characters, with the initi-

als of the Owner, Importer or Consignee, and with a description of the Goods contained therein.

VI. And it is hereby enacted, that upon Goods Warehoused under the provisions of this Act, when the Import Duty chargeable shall exceed the sum of 100 Rupees, the Importer or Consignee shall be allowed to execute a Bond for the amount of duty chargeable in the Form hereunto annexed marked B.; and when such Bond shall have been executed, the Goods shall be allowed to remain in Warehouse for a period not exceeding fifteen months, without being liable to the demand of Import Duty thereon. And the Bond to be taken under this Section, shall be for twice the amount of Import Duty assessed on the Goods: and shall stipulate for interest to be payable from the date of the demand of any sum due on account of the Goods at such rate not exceeding six per cent., as shall be fixed by the Board or other controlling authority of Customs: and the party executing the same, shall be bound thereby for the payment of all Duties and Charges that shall be claimable on account of the Goods, and of any penalties that may be incurred for violation of the Customs Laws in respect to the same.

VII. Provided always, that if any Owner, Importer, or Consignee shall omit to pay any duty or penalty that may fall due on account of Goods Werehoused under this Act, it shall be lawful for the Collector of Customs at his option, either to proceed upon the Bond, or to cause such portion of the Goods Werehoused on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained in satisfaction thereof; and if the demand be not discharged within ten days from the date of such detention (due notice thereof being given to the Importer, Owner, or Consignee) the Goods so detained shall be liable to be sold in satisfaction of the demand. And the proceeds of any sale so made of Goods detained, shall be written off upon the Bond in discharge thereof to the amount received less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the Owner or Consignee of the Goods, and no transfer or assignment of the Goods shall prevent the Collector from proceeding against the Goods in the manner above provided for any demand of Customs Duties or Penalty claimed thereon.

VIII. And it is hereby provided, that if at the end of fifteen months the Owner or Consignee of Goods shall desire to keep them in Warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period not exceeding fifteen months, on the Bonds being renewed by the parties applying for the same.

IX. And it is hereby enacted, that when a Vessel after having cleared from the Port shall return, and the Owners, Agents, or Shippers of the Cargo of such Vessel or any part thereof, shall desire to land the same for re-export, such Goods shall be admitted to Warehouse, and being so declared and registered, re-export may be made thereof under the previous Settlement for Duty, unless the bottom in which the re-export is made be one on account of which the Goods are chargeable with increased Duty, in which case the Goods shall be chargeable only with the difference, and no Bond shall be taken on account of Duties for such re-landed Goods unless the Goods should be liable to duty on being passed through the Custom House for Importation.

X. And it is hereby enacted, that upon the re-exportation by Sea of Goods Imported and Warehoused under Bond for the Duty, as provided in this Act, within the period during which such Goods are by this Act permitted to continue in Warehouse, and upon payment of all reserved Duty which may be due on account of such Goods, and of any charges or penalties that may have been incurred on account of the Goods, the Bond executed at the time of lodging the Goods in Warehouse, shall be deemed to have been discharged and be cancelled accordingly.

XI. And it is hereby enacted, that if any Goods lodged in Warehouse in the manner aforesaid, shall be removed or taken from the Warehouse otherwise than for exportation by Sea, or if the Goods be not cleared from the Warehouse and exported at the expiration of the time during which such Goods are permitted by this Act to remain in Warehouse, the Collector of Customs shall demand the full amount of Import Duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed, be not paid within ten days from the date of the demand, the Collector of Customs shall be entitled to realize the same, either by putting the Bond in suit, or at his option, by causing

the Goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

XII. And it is hereby enacted, that whenever any Goods, Warehoused and Bonded as aforesaid, shall be removed from any Public or Licensed Warehouse, the Collector of Customs shall cause such removal to be noted on the back of the Bond, and every note so made, shall specify the quantity and description of Goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the Export Pass under which they have been taken away, if removed for exportation by sea; and of the Import Pass or Order if removed for importation, and the amount of duty paid.

XIII. And it is hereby enacted, that a Register shall be kept of all Bonds entered into for Customs Duties on Goods Warehoused as aforesaid, and entry shall be made in the said Register of all particulars prescribed in the preceding Section of this Act, as to be noted on the Bond, and when the Register shall show that the entire quantity of the Goods covered by any Bond has been withdrawn from Warehouse either through importation and the payment of Duties, or through re-exportation by Sea and payment of the reserve Duties upon such re-export, it shall then be competent to, and be the duty of, the Collector of Customs to cancel the Bond as discharged in full, and to deliver it so cancelled to the parties who shall have executed, or who shall be authorized to receive the same.

XIV. And it is hereby enacted, that the Warehouses of the Custom House, together with such other Buildings as shall be directed by the Governor in Council, or Governor of the Presidency or Settlement, shall be Public Warehouses for the reception of the Goods under the provisions of this Act. And every Public Warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the Presidency, shall appoint to be Keeper of such Warehouse; and such Keeper shall be responsible for all duties connected with the charge of Goods, their reception into, and delivery from, the Warehouses.

XV. And it is hereby enacted, that the Board or other controlling authority of Customs, shall determine what Goods shall be admitted into every Public Warehouse, in what manner, and on

what terms; and shall, from time to time, fix rates of hire for every Public Warehouse, or for the custody of Goods therein, and a Table of the Rates so fixed shall be placed in a conspicuous part of every such Warehouse.

XVI. And it is hereby enacted, that the Owners or Consignees of Goods lodged in a Public or Licensed Warehouse under this Act, or their Agents, shall have access to their Goods at any time, within the hours of business, in the presence of a Custom House Officer, who shall be deputed to accompany them, upon their making application in writing to the Collector of Customs, or to the Warehouse-keeper for the purpose.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of Goods, on their reception into, or removal from, a Warehouse shall, if paid by the Collector or Warehouse-keeper, be chargeable on the Goods, and be defrayed by the Owners or Consignees, in like manner as the Customs Duties before the Goods are removed. And if the Goods be lodged in a Public Warehouse, the Owners or Consignees, shall further pay monthly the Rent and Warehouse Dues, on receiving a Bill or written demand from the Collector or Warehouse-keeper for the same. And if the Bill for Rent or Warehouse Dues, be not discharged within ten days from the date of presentation, the Collector of Customs shall have power, (any private transfer or assignment of the Goods notwithstanding) to cause to be sold by Public Auction such sufficient portion of the Goods as he may select in liquidation of his demand. And the Owners and Consignees of Goods shall not be entitled to claim from the Collector of Customs, or Warehouse-keeper, any compensation for any loss that may occur while the Goods are passed into, or out of, the Warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the Warehouse-keeper, or his Officers, or of the Officers of Customs.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of Goods deposited in Warehouses according to the following Table, as the rate of wastage for one year, and the Import Duty, shall be settled on the quantities registered at the time of Importation, wastage at these rates notwithstanding:

Table of Wastage to be allowed upon Goods when applied to be removed either from Public or Private Licensed Warehouses.

Description of Goods.		*Rate of Wastage.*
Alkali,		5 per cent.
Alums,		3 "
Aromatic Seeds,	Anise,	3 "
	Coriander,	3 "
	Cummin,	3 "
	Calizerah,	3 "
	Cardamums,	3 "
	Jowain,	3 "
Betlenut,		7½ "
Brimstone,		3 "
Camphor,		2 "
Coffee,		5 "
Copperas or Green Vitriol,		5 "
Cotton Wool,		2 "
Dry Ginger,		10 "
Gums and Drugs, not otherwise specified,		3 "
Iron wrought Bars,		3 "
Indigo,		5 "
Kutch or Terra Japonica,		3 "
Lac, Lake Stick and Seed,		3 "
Long Pepper and Long Pepper Root,		3 "
Oils, Essential and Fragrant,		8 "
Resin or Dammar,		7½ "
Sago,		4 "
Sugar,		4 "
Saltpetre,		4 "
Soap,		3 "
Silk,		5 "
Spices,	Cloves,	8 "
	Cinnamon,	2 "
	Cassia,	2 "
	Mace,	8 "
	Pepper,	6 "
	Pimento or Allspice,	2 "
Tobacco, unprepared,		5 "
Turpentine,		8 "
Tutenague,		2 "

Wines and Spirits in Casks—*a deduction for ullage of* 10 *per cent. shall be allowed at the time of being received into Warehouses.* (*a*)

(*a*) See Act No. XIII. of 1841, which, instead of the above deduction, allows ullage at the rate of 10 per cent. for one year, according to the time for which such wine and spirit shall have been lodged.

XIX. And it is hereby enacted, that the Board or other Controlling Authority of Customs, shall have power to License Warehouses belonging to private persons for the reception of Goods, with duty bonded under the rules of this Act, in like manner as prescribed for Public Warehouses; and every Licence so granted to a Private Warehouse, shall be liable to be revoked at pleasure by the Board, or other Controlling Authority of Customs, unless otherwise specifically stipulated in the Licence.

XX. And it is hereby enacted, that applications for Licences for private Warehouses, shall be drawn up in the Form marked C. annexed to this Act, and shall specify the particulars therein stated and the situation of the Warehouses, and their distances respectively, from the Custom House in English Yards.

XXI. And it is hereby enacted, that the Collector of Customs, or other Warehouse-keeper, shall have access for himself, or for any Officer he may depute for the purpose, to any Private Warehouse licensed as above. And if the Proprietor thereof shall not open the same when required, or shall refuse to admit the Collector or Warehouse-keeper, or the Officer of either upon demand made, at any time within the hours of business at the Port, the Proprietor of the Warehouse shall be liable to a fine not exceeding 1,000 Rupees, and further to have the Licence for the Warehouse cancelled and withdrawn and all Bonds executed for Duty chargeable upon Goods therein deposited, shall become due and be put in suit for the levy of the duty and other demands of Customs, after seven days shall have passed from the date when the Collector of Customs or Warehouse-keeper shall give notice of any Licence being withdrawn.

XXII. And it is hereby enacted, that if Goods lodged in a Private Warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the Table annexed to Section XVIII. of this Act, the Owner or Consignee, or other Party who may have lodged the Goods in the Warehouse, shall, unless the deficiency be accounted for to the satisfaction of the Collector of Customs, forfeit to Government a sum equal to ten times the Duty chargeable on the quantity of Goods deficient; and if Goods be found to exceed the registered quantity, such excess unless similarly accounted for, shall be charged with ten times the ordinary Duty thereon: and when any pe-

nalty shall be incurred under this section, the Goods shall not be removed until the same is paid.

XXIII. And it is hereby enacted, that the Collector of Customs shall have authority at any time to issue his Warrant or written Order, and to cause any Goods or Packages lodged in a Public or Private Warehouse to be opened and weighed, or otherwise examined as he may direct. And after Goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit, and when Goods shall have been so sealed or marked (after examination) they sh all not be again opened without permission from the Board, or other Controlling Authority of Customs, except when the Proprietor or Consignee shall apply to have them opened, and in every such case, the Packages shall be again sealed or marked as before.

XXIV. And it is hereby enacted, that when Goods shall be received into Warehouse, or shall be removed therefrom, the Packages shall be stamped with a conspicuous seal or stamp containing the words—

Warehoused and Duty Bonded.	or	Delivered for Exportation.	or	Removed for Importation.

accordingly as the Goods may be received or removed for one or other purpose; and any person who shall remove or efface a stamp or seal affixed by an Officer of Customs, or who shall change the outer cover of any package so marked, or change the contents thereof while Goods are in Warehouse, without giving notice and obtaining permission of the Collector of Customs, shall for every such offence forfeit the sum of 500 Rupees upon conviction before a Magistrate or Justice of Peace of the place. Provided however, that the Owners and Consignees of Goods shall be at liberty to take out samples of their Goods of such limited quantity as shall be deemed by the Collector of Customs, reasonable and proper.

XXV. And it is hereby enacted, that no Goods shall be removed from any Warehouse except under application to the Collector of Customs for the goods to be passed for Export or for Importation, in like manner as for other Goods passed through the Custom House, or for removal to another Warehouse, as prescribed in Section XXVIII. of this Act.

XXVI. And it is hereby enacted that if any Owner or Consig-

nee of Goods, shall in any way break a Package for removal of any part of the Goods, the entire Duty shall be levied for all the Goods contained therein.

XXVII. And it is hereby enacted, that applications to remove Goods from Warehouse shall be made in the Form marked D. hereunto annexed, and twenty-four hours' notice shall ordinarily be given to the Collector of Customs or Warehouse-keeper of the intention to remove Goods.

XXVIII. And it is hereby enacted, that Owners or Consignees of Goods Warehoused and Bonded for Duty under this Act, may remove the same from one Public or Licensed Warehouse to any other and when they shall desire so to remove Goods, they shall make application in the Form marked E. hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said form, with all the particulars therein contained.

XXIX. And it is hereby enacted, that if Goods Warehoused and Bonded for Duty shall be destroyed by fire or other accident no Duty shall be chargeable thereon, provided that if they be destroyed in a Private Warehouse notice thereof be given to the Collector of Customs or Warehouse-keeper, within forty-eight hours of the discovery of the accident. And if Goods when lodged in Ware house shall receive damage, they shall be assessed for Duty according to their actual value and Bond for the same executed for the unexpired term of warehousing.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to a penalty under this Act, the Collector of Customs at the Port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit. Provided, however, that if the Collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of Customs, and the award shall have been confirmed by that Authority; and it is further enacted, that the Board or other Controlling Authority of Customs shall have the power of mitigating any penalty that may be incurred on account of Warehouse Goods to the extent of reducing the same to a levy of double Duty.

A.

FORM OF APPLICATION FOR THE RECEPTION OF GOODS IMPORTED BY SEA IN WAREHOUSES.

To the Collector of Sea Customs at Calcutta.

SIR,

Please to order the reception into the Government (or Private Warehouse of Mr. A. B. situate at
and Licensed by No. , dated), of the undermentioned Goods, being of the growth or manufacture of (place to be stated), and arrived from (Port or Place to be mentioned) on the (British or other) Ship , whereof is Commander, the Duty upon which Goods has been adjudged in the manner hereafter specified.

Marks and Number of packages.	Description of Packages and Goods.	Contents of Goods.	Rate of value of the Goods.	Amount value of the Goods as ascertained and entered on the landing of the same.	Rate of Duty both of Customs and Town Duty.	Date and No. of Importation.	Specification of the particulars of Bonds if the Duty upon the Goods has been Bonded.
Total.							

(Date) (Signed) By the Owner, Agent, or Consignee of Goods.

B.

FORM OF BOND FOR IMPORT DUTY.

Know all men by these Presents, that we now of Calcutta, at Fort William, in the Province of Bengal, in the East Indies, and of the same place, are jointly and severally held, and firmly bound unto the East India Company in the sum of Rs. to be paid to the said East India Company, or their certain Attorney, Agent, Successors or Assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective Heirs, Executors, Administrators and Representatives, by these presents; sealed with our respective Seals, dated the day of in the year of Christ and the said for themselves, and each of them and their respective Heirs and Representatives, covenant and

agree, that in case of dispute touching the matter of this Obligation, or the Condition thereof, the same may be heard and determined in the Supreme Court of Judicature at

Whereas the above bounden hath (or have) applied to the Collector of Sea Customs of the said East India Company at for, and have obtained permission to lodge in a certain Public (or Licensed) Godown, for a period of fifteen months, subject to the Rules or Regulations of Government, the following Goods, that is to say, (here a large blank should be left for describing the Goods) being of the growth or manufacture of and imported by Sea, from on board the ship and entered in the Custom House Books, as No. of the Register of Goods imported by Sea.

Now the Condition of this Obligation is such that if the above bounden (the Principal) his or their Heirs, Executors, Administrators, Representatives, or Assigns, shall, in all things, well and truly observe and keep all and singular the Rules prescribed in Act No. XXV. of 1836, to be observed and kept by the Owners, Importers or Consignees of Goods bonded and warehoused, and by the persons obtaining permission to bond and ware house Goods under the provisions thereof. And if the said (the Principal) his (or their if more than one) Heirs, Executors, Administrators, Representatives, or Assigns, do and shall well and truly pay, or cause to be paid to the Collector of Customs for the time being, for the Port all such Dues, whether of Customs or of Lawful Charges as shall be due, or demandable upon the said Goods, or on account of Penalties incurred in respect to them at or before the expiration of fifteen months from the date of these presents, or before, or at the expiration of such further time, as the board of Customs shall allow in that behalf, together with interest thereon at the rate of per Cent. per Annum from the date of demand thereof being made by the said Collector of Customs in writing. And further, if the said Goods after being so warehoused, or any part thereof, shall not within the term so fixed, or to be enlarged, be removed from the said Public (or Licensed) Godowns, or in case the said Goods or any part thereof shall be removed from the said Public (or Licensed) Godowns, or in case the said Goods, or any part thereof, shall be removed from the said Public (or Licensed) Warehouse at any time within the

said term either for Importation or for Exportation by Sea, then, and in such case, if the full amount of all such Duties, Charges and Penalties as may be payable or demandable as aforesaid, shall have been first paid and satisfied on the whole quantity of the said Goods;—then this Obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several Conditions, or any of them, the same to be in full force and virtue. Sealed and delivered, &c.

C.

FORM OF APPLICATION TO OBTAIN LICENCE FOR PRIVATE WAREHOUSES.

To the Collector of Customs at Calcutta.

SIR,

Please to submit to the Board of Customs (or other Controlling Authority of Customs) my request to be furnished with a Licence under Act No. XXV. of 1836, for a Warehouse situate at and about the distance of yards from the Custom House, the dimensions and other particulars of the Godown are stated below, and the same is intended for the reception of all Goods as a general Store House, (or as the case may be) the period of Licence not to exceed (mention the time for which period).

Particulars of Godown.

Length, Feet, Inches,
Breadth, ditto ditto,
Height, ditto ditto,...
} Dry, airy, well-flued, and puckah built, can contain with perfect safety and convenience about tons of Goods.

The same being my own property (or the property of from whom I have engaged the same on a lease of).

(Signed) (By the Applicant).

D.

FORM OF APPLICATION FOR REMOVAL OF GOODS FROM WAREHOUSES.

To the Collector of Government Customs.

SIR,

Please to order to be passed from the (Government or Private) Warehouse of Messrs. A. and Co., situate at (and Licensed under Act No. XXV. of 1836 by No. dated) the undermentioned Goods intended for Exportation by Sea on the British Ship Captain bound to or for internal

consumption; or to be consigned to (any Station in the interior as the case may be) the same having been entered in the Books of your Office for the said Warehouse, under No. dated by (me or by Messrs. B. and Co., whose certificate of the transfer of the Goods is herewith annexed).

Marks and Numbers of Cases. B. and Co. (Name of the Goods.) No. 1 to 4. □ X √ Sealed. "Warehoused for Exportation."	Four Cases of (Names of Goods). 1 Case, Box, Bale, or Parcel, containing (here insert the quantity in each case). 1 Ditto. ..... 1 Ditto. ..... 1 Ditto. ..... Four (Cases, Boxes, Bales, or Parcels) containing (total contents to be here stated).

Custom House value of the above, Rupees and please to receive the amount of Duty bonded for the said Goods, by Bond No. dated , allowing Drawback for Exportation on British Bottom (or as the case may be).

(Signed)

(Either by the Owner, Agent or Consignee of the Goods).

E.

FORM OF APPLICATION FOR THE REMOVAL OF GOODS, FROM ONE WAREHOUSE TO ANOTHER, DURING THE PRIEOD FOR WHICH THE INDULGENCE OF WAREHOUSING MAY HAVE BEEN OBTAINED.

To the Collector of Government Customs at Calcutta.

SIR,

Please to permit the removal of the undermentioned Goods from the (Government or other Licensed) Warehouse, to (the Warehouse into which the removal is intended to be made, must here be distinctly prescribed) for the unexpired period of Warehousing due on the Goods, the same having been originally entered by virtue of Act No. XXV. of 1836 in the Books of the Warehouse Department, under No. , dated , for fifteen months (or such other period as may have been allowed, to be here stated) under all the Obligations and Conditions, at present, attached to the Goods.

Marks and Numbers of Packages.	Description of Packages and of Goods.	Contents of Packages.	Rate of value of Goods.	Amount of value of Goods as entered in Custom House Books.	Rate of Duty chargeable or paid upon the Goods.	Name of the Persons by Whom Goods first passed into Warehouses.

Note.—If the Goods to be removed shall have been sold or transferred by the original Proprietor or Agent, a Certificate of such Sale or Transfer shall accompany the Application.

(Signed) (By the Owner, Agent, or Consignee of the Goods).

GOVERNOR GENERAL'S CAMP.—POLICE.

ACT No. XXVI. OF 1836.

[*Passed on the 7th November,* 1836.

1. *The Governor General of India in Council may appoint a Superintendent of the Police of the Camp whenever the Governor General or Commander-in-Chief of all the forces in India, or the Lieutenant Governor of the North West Provinces shall pass &c. attended by a Camp.*

2. *Such Superintendent to have concurrent jurisdiction with the Magistrate of the Zillah or City.*

3. *The Magistrate shall give effect to a commitment or sentence by such Superintendent, upon a copy thereof being transmitted to him.*

4. *All Officers shall be assistant to the Superintendent.*

I. It is hereby enacted, that as often as the Governor General of India, or the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the N. W. P., shall pass through any part of the Territories of the East India Company, attended by a Camp, it shall be lawful for the Governor General of India in Council, by an order in Council, to appoint a Superintendent of the Police of such Camp.

II. And it is hereby enacted, that with respect to all Offences committed in any such Camp, or on the line of march between the Stations of any such Camp, such Superintendent shall have con-

current Criminal jurisdiction with the Magistrate of the Zillah or City, within which such Offence shall have been committed.

III. And it is hereby enacted, that as often as the said Superintendent shall, by virtue of the powers conferred on him by the preceding Clause, commit any person for trial before the Sessions Court, or sentence any person to imprisonment, it shall be lawful for the said Superintendent to transmit such person to the Magistrate of the Zillah or City where the Camp shall then be, with a copy of the commitment or sentence, under the hand of him, the said Superintendent, and the said Magistrate shall give effect to such commitment or sentence.

IV. And it is hereby enacted, that all Officers subordinate to the Magistrate of the Zillah or City where such Camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

MADRAS.—VAKEELS AND PLEADERS.

ACT No. XXVII. OF 1836.

Repealed by Act XI of 18

[*Passed on the 7th November*, 1836.

1. *Repeals Regulation* 5, 1817.

2. *Candidates for the situation of Vakeel in the Courts of Adawlut shall be appointed under section* 3, *Regulation* 18, 1814, *and the qualifications of Candidates shall be ascertained by examination before Law Officers under section* 3, *Regulation* 11, 1802, *and clause* 2, *section* 3, *Regulation* 7, 1822.

The admission of Pleaders is now regulated by Act I. of 1846.

MADRAS.—MUNICIPAL ASSESSMENTS.

ACT No. XXVIII. OF 1836.

[*Passed on the 7th November*, 1836.

1. *No assessment made by Justices under* 33 *Geo.* 3, *Clause* 52, *shall be levied until approved by Governor in Council.*

2. *Governor in Council may exempt any District from payment of any assessment.*

Repealed by Act XXVI. 1856.

MADRAS.—SUDDER AMEENS' FEES.

ACT No. XXIX. OF 1836.

[*Passed on the 14th November*, 1836.

1. *Court of Sudder Adawlut may, with the sanction of the Governor, augment or diminish the number of Sudder Ameens.*

2. *Fees of Registry of Zillah Courts and of Sudder Ameens for Judicial duties, abolished; but not fees for the Registry of deeds.*

I. It is hereby enacted, that from the 1st day of December, 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion, the number of Sudder Ameens within that Presidency.

II. And it is hereby enacted, that such parts of any of the Regulations in force as authorize the Registers of the Zillah Courts and Sudder Ameens within the Presidency of Fort St. George, to receive any fee or commission for Judicial duties performed by them, be repealed. Provided always, that this rule shall not be construed to prohibit the receipt of fees for the Registry of Deeds.

THUGGEE.

ACT No. XXX. OF 1836.

[*Passed on the 14th November*, 1836.

1. *Whoever shall be proved to have belonged to any gang of Thugs, shall be imprisoned for lie with hard labour.*

2. *Every person accused of the offence herein made punishable, may be tried by any Court which would have been competent to try him, if his offence had been committed within the Zillah.*

3. *No Court shall require a Fulwa from any Law Officer, on any trial under t his Act.*

Amended by Acts XXIV. of 1843 and X. of 1847, and extended to persons concerned in perpetration of dacoity.

I. It is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the Territories of the East India Company, shall be punished with imprisonment for life with hard labour.

II. And it is hereby enacted, that every person accused of the

offence made punishable by this Act, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing to the contrary in any Regulation contained notwithstanding.

III. And it is hereby enacted, that no Court shall, on a trial of any person accused of the offence made punishable by this Act, require any Futwa from any Law Officer.

MADRAS.—GOVERNMENT GRANTS.

ACT No. XXXI. OF 1836.

[*Passed on the 28th November*, 1836.

Regulation 4, 1831, *relating to Grants of Money or Land Revenue made by the British Government, shall be extended to similar grants made originally by any Native Government, and afterwards confirmed or continued by the British Government.*

It is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras Code, relating to Grants of Money or Land Revenue made by the British Government, shall be extended to all similar grants within the Territories subject to the Presidency of Fort St. George, which having been made by any Native Government, have been confirmed or continued by the British Government.

BENGAL.—IMPORTATION OF FOREIGN SUGAR.

ACT No. XXXII. OF 1836.

[*Passed on the 28th November*, 1836.

1. *If any person lands or attempts to land in Bengal Sugar not the growth of a British possession into which Foreign Sugar cannot legally be imported, such Sugar shall be seized and confiscated, unless the district into which such Sugar is landed be a district in which the Governor General in Council has authorized the importation of such Sugar.*

2 *and* 3. *Any owner of Sugar, the produce of the Territories subject to the Bengal Presidency, desiring to obtain a Certificate of origin, shall, in the presence of the officer from whom he desires to obtain such Certificate, make a declaration in the form A. contained in the Schedule; or in the form B. if the district be one into which the Governor General in Council has not authorized the importation of Foreign Sugar or Sugar the growth of any British possession into which Foreign Sugar can be legally imported.*

4 and 5. Every person intending to ship Sugar from any place within the said Territories for the United Kingdom, may produce to the Collector of Customs or other authorized officer at that place such a Certificate as aforesaid, and, in the presence of such Collector, make a Declaration in the form C. whereupon such Collector shall grant a Certificate in the form D.

6. Any person knowingly in any such declaration affirming an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be fined not exceeding 5,000 Rupees, and imprisoned not exceeding 2 years.

Schedules A. B. C. D.

Repealed by Act XIX. of 1854.

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. I. OF 1837.

[*Passed on the 6th February*, 1837.

Any one J. P. for Calcutta may issue a Warrant of Distress for arrears of Assessment under the 33, George 3, Cap. 52.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the Town of Calcutta, to issue a Warrant of Distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 George III. Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Jutices.

Act No. IV. of 1835, gives to one Justice all powers whatever in Criminal Cases, which may be exercised by two Justices of the Peace for the Town of Calcutta. And Act. IX. of 1859, extends this Act to Madras.

BOMBAY.—BHORE GHAUT TOLLS.

ACT No. II. OF 1837.

[*Passed on the 6th February*, 1837.

1. *Repeals Regulation* 9, 1830, *and Reg.* 11, 1831, *and Act XVIII.* 1835.

2. *Enacts the Rates of Tolls on Vehicles and Animals.*

3. *The Governor in Council of Bombay may appoint persons for the collection of the Tolls, who shall be under the same responsibility as Collectors of the Revenue.*

4. *Toll Collectors, in case of non-payment of Toll, may stop sufficient property to discharge the Toll. Police Officers shall assist the Toll Collectors.*

5. *If Toll remains unpaid 24 hours after seizure of property, the duly authorized Officer may direct the sale of the property, and reserve the amount of the Toll, and a fine not exceeding 5 Rupees; the surplus to be paid to the owner of the property.*

6. *The owner of the property not to be deprived of his right of action in the Zillah Court for injury done under color of this Act.*

7. *This Act not to prevent the Governor in Council of Bombay from granting any exemption from Tolls, or granting a farm of Tolls.*

Repealed by Act VIII. of 1851, which enables Government to impose Tolls.

BENGAL.—SUDDER COURT.

ACT No. III. OF 1837.

[*Passed on the 13th March,* 1837.

That each of the Courts of S. D. A. may direct that any original suit or appeal brought before any Zillah or City Court subordinate to such Court of S. D. A. shall be transferred to any other Zillah or City Court subordinate to the same Court of S. D. A.

2. *Whenever such transfer of any suit shall be made, the Court shall record the reason of the transfer in its proceeding.*

Repealed in effect (except as respects the non-regulation provinces and districts) by the New Code of Civil Procedure (Act VIII. of 1859) and expressly by a Bill now passing through the Legislative Council, entitled "A Bill to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter." The New Code is not enacted for the non-regulation parts and provinces, but may be extended to them by Government.(*a*)

I. It is hereby enacted, that it shall be lawful for each of the Courts of Sudder Dewanny Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, to direct by an order authenticated by the official signature of the Register of such Court of Sudder Dewanny Adawlut, that the Cognizance of any

(*a*) Act V. of 1836, ante p. 20 was suppressed, as being repealed in effect, by the new Code of Civil Procedure. But it ought to have been retained as being still in force for the non-regulation parts and Provinces. I therefore insert it here. It is as follows:

It is hereby enacted, that it shall be competent to the Zillah and City Judges within the Presidency of Fort William in Bengal, to refer to the Principal Sudder Ameens subordinate to them, applications for the enforcement of Decrees to be executed by the said Principal Sudder Ameens, under the rules prescribed in the General Regulations, applicable to such cases.

Original Suit, or of any Appeal which may be brought before any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, shall be transferred to any other Zillah or City Court, subordinate to the same Court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said Courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding Clause, direct the transfer of the Cognizance of any Suit, such Court of Sudder Dewanny Adawlut, shall cause the reasons for such transfer to be recorded in its proceeding.

LANDED PROPERTY DISABILITY.

ACT No. IV. OF 1837.

[*Passed on the 17th April,* 1837.

1. *Any subject of H M may acquire and hold property in land or in any emoluments issuing out of land in the Territories of the East India Company.*

2. *All rules which prescribe the manner in which such property may be acquired and held by Natives shall extend to persons who shall acquire or hold under this Act.*

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of His Majesty, to acquire and hold in perpetuity, or for any term of years, property in land or in any emoluments issuing out of land, in any part of the Territories of the East India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by Natives of the said Territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

BENGAL.—EMIGRATION ACT.

ACT No. V. OF 1837.

[*Passed on the 1st May,* 1837.

1. *Prohibits reception of native emigrants on board ship without order of Government or permit.*

2, 3. *Before permit is granted Emigrant and hirer must appear before*

officer with memorandum of Contract; and (3) *permit not to be granted unless the service be limited to not more than* 5 *years and there be a stipulation to convey the native back to India.*

4, 5. *Officer to examine the native and explain the Contract: and* (5) *if satisfied that the native understands it, &c. may grant permit.*

6, 7. *If application be for permit for more than* 20 *natives the officer is to enquire into the accommodation &c. provided for them on board ship: and* (7) *he shall not grant the permit if not sufficient.*

8, 9. *Officer to keep a register and* (9) *be paid a fee of* 1 *Rupee for each permit.*

10. *Masters of vessels receiving any emigrant without order or permit to be fined.*

11. *Act not to apply to native seamen.*

Repealed by Act No. XXXII. of 1837, and Act No. XIV. of 1839.

CUTTACK.—LAND REVENUE.

ACT No. VI. OF 1837.

[*Passed on the* 1*st May*, 1837.

1. *Malgoozars, several and joint, being persons acknowledged as having a permanent interest in the Mehauls for which they are engaged, shall be answerable for the Jumma according to the existing settlement, until a new settlement shall be made.*

2. *Provided that any Malgoozar may relinquish his engagements at the expiration of their term, by notifying his intention to the Collector.*

I. It is hereby enacted, that every Malgoozar in the Province of Cuttack, and every body of Malgoozars in the said Province having, as such body, joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the Mehaul for which they have engaged shall be answerable for the Jumma fixed by the terms of the settlement now existing for every Mehaul of such Malgoozar or body of Malgoozars, until a new settlement of such Mehaul shall be completed and confirmed, according to the provisions of Regulation VII. of 1822 and Regulation IX. of 1833, of the Bengal Code.

II. Provided always, that if any such Malgoozar or body of Malgoozars shall, before the 1st day of August, 1837, notify to the Collector of the District within which any Mehaul of such Mal-

goozar or body of Malgoozars as aforesaid may be situated, that it is the intention of such Malgoozar or body of Malgoozars, to relinquish the existing engagements of such Malgoozar or body of Malgoozars, in respect of such Mehaul, at the expiration of the terms for which those engagements have been made, it shall be lawful for such Malgoozar or body of Malgoozars, to relinquish the said engagements at the expiration of the said term.

SUPREME COURT.—FREE PARDON.

ACT No. VII. OF 1837.

[*Passed on the* 1st *May*, 1837.

His Majesty's Charter Courts may discharge, on his own recognizance, any convict to whom they have recommended a free pardon.

It is hereby enacted, that it shall be lawful for any of the Courts established by His Majesty's Charters, in any case in which such Court shall have recommended to His Majesty the granting of a free pardon to any Convict, to permit such Convict to be at liberty on his own recognizance.

MADRAS.—ANJENGO AND CHANGANCHERRY.

ACT No. VIII. OF 1837.

[*Passed on the* 8*th May*, 1837.

1, 2. *Anjengo and Changancherry to be a separate Jurisdiction subject to Madras,* (2) *under British Resident.*

Repealed by Section I. of Act No. III. of 1838.

PARSEES.—LANDED PROPERTY.

ACT No. IX. OF 1837.

[*Passed on the* 15*th May*, 1837.

1. *All immoveable property, situate within the jurisdiction of any of the Supreme Courts, belonging to any Parsee shall, as far as regards its transmission, in case of death and intestacy, be of the nature of Chattels real and not freehold.*

2. *In any suit at Law or in Equity, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of a Parsee beneficially interested in the same, or by Will, if such transmission took place before the 1st June, 1837, and took place according to the rules which regulate the transmission of freehold property, or was acquiesced in by the persons interested according to the rules which regulate the transmission of Chattels real.*

I. It is hereby enacted, that from the 1st day of June, 1837, all immoveable Property, situate within the jurisdiction of any of the Courts established by His Majesty's Charter shall, as far as regards the transmission of such Property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any Suit at Law or in Equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such Property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, if such transmission took place before the said 1st day of June, 1837, and if such transmission were either according to the Rules which regulate the transmission of freehold Property, or else took place with the acquiescence of all persons to whom any interest in that Property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of such Parsee.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.--CLAIMS TO LANDS.

ACT No. X. OF 1837.

[*Passed on the 22d May*, 1837.

1. *Repeals Regulation* 1 *and* 9 *of* 1830, *of the local Government, and Regulation* 1, 1831, *of the Vice President in Council.*

2. *The Governor General of India in Council may appoint one or more Commissioners to decide claims to hold lands in Prince of Wales' Island, Singapore and Malacca. Persons having a registered title shall be entitled to hold according to the terms and conditions specified in the grant.*

3. *Commissioner on his arrival in the settlement may require all claims and pplications to hold lands to be transferred to him to be dealt with according to the provisions of this Act.*

4. *Commissioner may cause a survey or measurement of lands, and summon any person resident within the settlement to attend and produce any document relating to the right to any land or interest in such land and to examine such person on oath touching the right.*

5. *Commissioner discovering that any person has more land than is specified in his registered grant or title, shall declare the excess liable to separate assessment.*

6. *Commissioner may investigate the claims of persons occupying under a grant or title which has not been registered, and if he is of opinion that the claim is a fair one, he shall make a decree assigning the lands to such person under the regulation terms and conditions, and such decree shall constitute a good title.*

7. *Commissioner requiring the attendance of a person before him, shall cause such person to be served with a notice stating the purpose and time of attendance and the documents he is required to bring with him; if such person cannot be found, notice may be affixed at his usual place of residence.*

8. *Any person wilfully omitting to obey any lawful summons, or to produce any document lawfully required, or to answer any lawful question, may be fined by Commissioner not exceeding 50 Rupees, commutable, if not paid, to imprisonment not exceeding a month.*

9. *Whoever shall forcibly resist or cause to be resisted, any Commissioner, or person employed by Commissioner, shall, on conviction before a Magistrate, be imprisoned not exceeding a year, or fined, or both, in addition to any punishment incurred by reason of any other offence committed in the course of such resistance.*

10. *Any person under examination before Commissioner knowing and deliberately affirming what he knows to be false touching any material point, shall be taken to be guilty of perjury.*

11. *All orders and decrees of Commissioner by which the possession of land shall be altered, shall be final.*

12. *Any party objecting to any decree or order of Commissioner on the ground that it deprives him of a legal right, may within six weeks after the decree or order, move the Court of Judicature to quash the same, which Court shall try the question of right, and the decree or order shall be of no effect, if the Court shall decide it to be inconsistent with the legal right.*

13. *The Court shall not decide without the Recorder if there be at the time a Recorder.*

14. *No decree or order of a Commissioner shall be executed until six weeks shall have elapsed from its date, nor until the Court of Judicature shall have finally disposed of an application under Section 12, if made to it.*

15. *Order of Commissioner to be executed in the same manner as decrees of Recorder's Court; and all Sheriffs, &c. to be aiding in the same.*

16. *Commissioner to be guided by any instructions received from the Government of Bengal.*

I. It is hereby enacted, that from the date of the passing of this Act Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca and likewise Regulation I. of 1831, passed by the Vice President in Council shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to appoint one or more Commissioners for the purpose of inquiring into and deciding upon claims to hold lands within any of the settlements of Prince of Wales' Island, Singapore and Malacca whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not, provided nevertheless that every person holding land in any of the settlements aforesaid under a grant or title registered in conformity with the provisions of the said Regulations shall be entitled to hold such land for such terms and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such Commissioner in any of the said settlements it shall be lawful for such Commissioner to require that all claims and applications to hold lands in that Settlement which may be pending before the Resident Councillor, Collector or Superintendent of Land Revenue shall be transferred to the said Commissioner to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such Commissioner whenever he may be within any of the said Settlements to cause a survey or measurement to be made of any lands within that Settlement in such manner as he may deem proper, and to require, by a Summons under his hand, any person resident within that Settlement to attend before him and to produce any document relating to the right to any land or interest in land, within that Settlement; and it shall further be competent to the said Commissioner to examine any such person upon oath touching the right to any such land or interest in such land.

V. And it is hereby enacted, that whenever any such Commissioner being with any of the said Settlements shall, in prosecution of the duties assigned to him by this Act, discover that any person owning or occupying lands within that Settlement under any

grant or title registered in conformity with any of the Regulations repealed by Section I. shall be in possession of more land than is specified in such grant or title, it shall be competent to the Commissioner aforesaid to declare the land so held in excess to be liable to separate Assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the Settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or enquiry held by the Commissioner under this Act, it shall be competent to the said Commissioner to investigate the claim, and in every case in which the said Commissioner shall be of opinion that the claim is a fair one, the said Commissioner shall make a decree assigning the lands to which there may be such fair claim to the party who has such fair claim on such conditions and for such terms as may be prescribed under the rules laid down for the guidance of the said Commissioner, and such decree shall constitute a good title as against the Government to the land therein assigned on the conditions and for the terms therein specified.

VII. And it is hereby enacted, that whenever the Commissioner aforesaid under the power vested in him by Section IV. shall require the attendance of any person or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said Commissioner stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful Summons to attened before the said Commissioner or to produce any document which he is required by the said Commissioner in the exercise of the lawful powers of the said Commissioner to produce, or to answer any lawful question put by the said Commissioner; it shall be competent to the said Commissioner to impose upon the person so wilfully omitting for every such wilful omission a fine not exceeding 50 Rs. commutable if

not paid to Imprisonment by order of the Commissioner in the Civil Jail, for a period not exceeding one month.

IX. And it is hereby enacted, that whoever shall forcibly resist or cause to be resisted any such Commissioner, or any person employed by such Commissioner in the performance of any thing which such Commissioner is by this Act authorized to perform, or cause to be performed, shall on conviction before a Magistrate be punished with imprisonment for a term not exceeding one year, or fine, or both in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever being under examination before any such Commissioner, either on oath or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false touching any point material to the question which the Commissioner is investigating, shall be taken to be guilty of perjury and be dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such Commissioner, by which the possession of any land within any of the Settlements aforesaid shall be altered or effected, shall be final.

XII. Provided always that if any party objects to any decree or order of the said Commissioner on the ground that such decree or order deprives that party of a legal right to land or to some interest in land, it shall be lawful for that party at any time within 6 weeks after the making of such decree or order to move the Court of Judicature of Prince of Wales' Island, Singapore and Malacca to quash such decree or order, which Court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving, and if the said Court shall decide that such decree or order is inconsistent with any such legal right, the decree or order of the Commissioner shall be quashed by the said Court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such Commissioner shall or shall not be quashed except when the Recorder is sitting in the said Court, if there be at that time a Recorder.

XIV. And it is hereby enacted, that no decree or order of any

such Commissioner shall be executed until 6 weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in Section XII. of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said Court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid shall be made within the period fixed in Section XII. of this Act, the said Commissioner shall proceed to execute the order or decree passed by him in the same manner as the decrees of the Recorder's Court are executed; and all Sheriffs, Magistrates, Constables and other Public Officers are hereby enjoined and required to be aiding and assisting in the execution of the same.

XVI. And it is hereby enacted, that every Commissioner appointed under this Act shall be guided in the performance of the duties confined to him under the provisions of this Act by such instructions as he shall from time to time receive from the Government of Bengal.

BOMBAY.

ACT No. XI. OF 1837.

[*Passed on the 29th May*, 1837.

Repeals Articles 1 *and* 2 *of Regulation* I, 1820.

It is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay Code, be repealed.

CITY OF CALCUTTA.—CONSERVANCY.

ACT No. XII. OF 1837.

[*Passed on the 5th June*, 1837.

1. *Every house and outhouse built in Calcutta after 1st November*, 1837, *shall be covered with an outer roof of incombustible materials. The owner of any house or outhouse built in contravention hereof shall be fined not exceeding* 100 *rupees.*

2. *Superintendent of Police may tender to the owner of any house or outhouse built before 1st November*, 1837, *and not covered with any outer roof of incom-*

bustible materials, a sum of money to defray the expense of so covering such house &c., and any owner accepting the sum so tendered and engaging so to cover such house, and not doing it, shall be fined, not exceeding ten times the amount accepted.

3. *If any house shall be built in contravention of Section* 1, *or if any owner shall refuse to accept sum tendered, the Superintendent may cause it to be roofed with incombustible materials, and may cause necessary alterations to be made in the walls to support the roof, and may defray the expense out of any fund placed at his disposal for that purpose.*

4. *Any person wilfully obstructing the Superintendent, shall be fined not exceeding* 100 *rupees, in addition to any punishment he may have incurred by reason of any other offence committed in the course of his obstruction.*

5. *All fines under this Act shall be paid into the Government Treasury and applied to defray the expenses of carrying this Act into execution.*

Repealed by Act XIV. of 1856 entitled "An Act for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

BOMBAY.—COURTS MARTIAL.

ACT No. XIII. OF 1837.

[*Passed on the 5th June,* 1837.

No trial by Court Martial held prior to the passing of this act to be illegal, on the ground that the Military Station had not been duly proclaimed.

Obsolete.

FOREIGN BOTTOMS.

ACT NO. XIV. OF 1837.

[*Passed on the 12th June,* 1837.

Whenever any Foreign State in Asia or Africa shall permit the importation or exportation of Goods in British Vessels, on the same terms as goods in vessels belonging to such Foreign State, the Governor General in Council may direct that goods may be imported into the East Indies, or exported thence, in Vessels belonging to the subjects of such Foreign State, on the same terms.

The differential Scale of duties for British and foreign Bottoms was abolished by Act VI. of 1848.

BENGAL.—POLICE-TAX.

ACT No. XV. OF 1837.

[*Passed on the* 19*th June*, 1837.

1. *A portion of the Tax levied under Regulation* 22, 1816, *may be appropriated to the cleansing and repairing of the Towns in which it is levied.*

2. *The Punchaite appointed by the Sunnud referred to in Section* 10, *Regulation* 22, 1816, *may fix the rate of assessment to be levied from the Proprietor or Principal Occupier of any Shop or Habitation at* 2 *Rupees per mensem.*

3. *No person, by reason of place of birth, or of descent, shall be exempted from any assessment under Regulation* 22, 1816, *or under this Act.*

Repealed by Act XX. of 1856.

BENGAL.—CUSTOM HOUSE REGULATIONS.

ACT No. XVI. OF 1837.

[*Passed on the* 3*rd July*, 1837.

1. *Repeals Regulation* 15, 1817.

2. *The value of Goods subject to ad valorem duties, exported by Sea from any port in Bengal or Orissa, shall be declared in manner prescribed by Regulation* 6, 1833, *for Goods imported into Calcutta by Sea; that Regulation, (excepting Section* 4, *relative to Goods taken by Government) shall apply to Goods intended for export; declared value to include the package-materials.*

3. *The Governor of Bengal may, from time to time, by notice in Gazette, fix a value for any article subject to ad valorem duty.*

4. *Master of Vessel, removing or putting on board between sun-set and sun-rise, or on Custom-House holiday, without leave from Collector, shall be fined not exceeding* 500 *rupees.*

5. *Where Custom, House Officer has been removed from Vessel under provision of Section* 10, *Act* 14, 1836, *if the Commander before a Custom House Officer has again been put on board, shall suffer any Goods to be put on board, he shall be fined not exceeding* 1000 *rupees, and the Goods shall be liable to be re-landed for examination at expense of shipper.*

6. *Commander bound to receive on board one Servant with Custom House Officer, and to provide Officer and Servant with suitable shelter and accommodation and a due allowance of water, with means of cooking, or in default be fined not exceeding* 500 *rupees.*

7. *No Cargo Boat laden with Goods intended for exportation shall make fast to, or lie alongside of any Vessel, unless a Custom-House Permit for the shipment of Goods has been obtained. Goods on board a Boat made fast to or lying alongside of any Vessel, contrary to this regulation, may be confiscated.*

8. *With each Boat-load or separate dispatch, intended to be landed for importation, a Boat-note shall be sent, specifying number of packages, and their marks or other description, signed by an Officer of the Vessel and the Custom House Officer on board. Goods to be liable to confiscation, if proceeding to land without Boat-note, or if with Boate-note, they are found out of the proper track between the ship and Custom House Wharf, &c.*

9. *If the packages of Goods brought to the Custom House either for exportation or importation, do not correspond with the description given of them in the application for a pass, or if the Goods have not been correctly described in regard to sort, quality or quantity, or if other Goods not stated are concealed or mixed up with those specified, such packages shall be liable to confiscation.*

10. *Goods removed or attempted to be removed after being landed, but before they have been passed, shall be liable to be confiscated.*

11. *The exemption from duty under Schedule B. Act* 14. 1836, *shall not apply to Sugar exported to any British Possession in the Continent of India or to Bombay: but such export shall be subject to the same duty as Sugar and Rum exported to other places, &c.*

12. *In modification of Section* 18, *Act* 14, 1836, *if Goods entitled to Drawback as being imported Goods, are shipped after Port Clearance, such Drawback shall be forfeited, but no separate duty shall be levied thereon.*

13. *In modification of Section* 15, *Act* 14, 1836, *the Collector may sell, on account of Duty, Freight and other dues, Goods landed at the Custom House, if not claimed and cleared within three months from the date of the ship's entry.*

14. *No Drawback shall be paid upon Goods exported from Bengal or Orissa, unless the export takes place within two years from the date of their import in the Custom House Registers, nor unless Drawback is claimed at the time of exportation, nor unless the amount due for Drawback is demanded within a year from the entry for shipment at the Custom House.*

15. *Drawback shall not be allowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots and not having Custom House Officers on board.*

16. *In modification of Section* 51, *Regulation* 9, 1810, *the Board of Customs, Salt and Opium, may fix and alter rates of Wharfage and Godown Rent, &c. and determine the time for which Goods may remain free of charge, while being passed.*

17. *and* 18. *Collector of Customs may require Goods brought by Sea and stowed in bulk, to be weighed on ship board, &c. any one intentionally obstructing the weighing shall be fined not exceeding* 500 *rupees.*

I. It is hereby enacted, that from the 15th day of July, 1837, Regulation XV. 1817, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when the Customs Duties fixed to be levied upon Goods exported by Sea from any port of Bengal or Orissa shall be *ad valorem*, the value of such Goods shall be declared by the Exporter in the manner prescribed by Regula-

tion VI. 1833 of the Bengal Code for goods imported into Calcutta by Sea, and the provisions of that Regulation for cases of disputed value (excepting Section IV. thereof, which prescribes the levy of duty when the Goods are taken for Government) shall apply to Goods intended to be exported by Sea in like manner as for imported Goods, and the value so to be declared by the Exporter shall include the packages or materials in which the Goods may be contained.

III. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, from time to time, by notice in the official Gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said Presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

IV. And it is hereby enacted, that every Master of a Vessel, who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed thence or put on board thereof between sun-set and sun-rise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

V. And it is hereby enacted, that when, upon application from the commander of any Vessel, the Custom House Officer shall be removed from on board thereof, under the provisions to that effect contained in Section XVI. of the Act XIV. of 1836, if the Commander of such Vessel shall, before a Custom House Officer have again been placed in such Vessel, put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever, such Commander shall be punished with a fine not exceeding 1,000 Rupees, and the Goods shall be liable to be relanded for examination at the expense of the Shipper or Shippers upon requisition to that effect from the Collector of Customs.

VI. And it is hereby enacted, that the Commander of every Vessel, who is bound to receive a Custom House Officer on board of such Vessel, shall also be bound to receive on board one Servant of such Officer, and to provide such Officer and such Servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board, and

if any Commander of a Vessel shall wilfully disobey the directions contained in this Section, he shall be punished with fine not exceeding 500 Rupees.

VII. And it is hereby enacted, that no Cargo Boat laden with Goods intended for exportation by Sea, shall make fast to, or lie alongside of any Vessel unless there shall be on board the Boat or have been received by the Custom House Officer on Board of the Vessel, a Custom House Permit or order for the shipment of the Goods. And the Goods on board of any boat that may so lie alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

VIII. And it is hereby enacted, that when Goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate dispatch, a Boat-note specifying the number of packages and the marks and numbers or other description thereof, and such Boat-note shall be signed by an Officer of the Vessel and likewise by the Customs Officer that may be on board; and if any imported Goods be found in a Boat proceeding to land without a Boat-note, or if being accompanied by a Boat-note, they be found out of the proper track between the Ship and the Custom House Wharf, or other Wharf or Ghaut at which they have been permitted to be landed, the Boat containing such Goods may be detained by any Inspector, or by any other Officer of the Preventive Service of the Custom House, duly authorized by the Collector of Customs, and unless the cause of deviation be explained to the satisfaction of the Officer of Customs, the Goods shall be liable to confiscation.

IX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House, either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the Goods contained therein, shall be liable to confiscation.

X. And it is hereby enacted, that if any person after Goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defraying the Revenue, the Goods shall be liable to confiscation.

XI. And it is hereby enacted, in modification of the Article of Schedule B. of Act No. XIV. of 1836, which provides that when Sugar or Rum shall be exported on British bottoms to any British Possession, no duty shall be levied thereupon, and if on Foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of Sugar exported to any British Possession or Settlement on the Continent of India (including the Port of Bombay), but duties shall be levied on such exports in the same manner as upon Sugar and Rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the Sugar so exported from Bengal may be subject at any place of import within the possession of the East India Company.

XII. And it is hereby enacted, in modification of Section XVIII. of the Act XIV. of 1836, that when Goods shall be shipped after Port Clearance, if the same be imported Goods entitled to Drawback, such Drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of Section XV. of Act XIV. of 1836, that if Goods landed at the Custom House be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to sell the Goods on account of the Duties, Freight and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of Drawback upon any Goods exported from any Port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom House Registers, nor unless the claim to receive such Drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the dateof entry for shipment in the Custom House Register.

XV. And it is hereby enacted, that Drawback shall not be al-

lowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots and not having Custom House Officers on board.

XVI. And it is hereby enacted, in modification of Section LI. Regulation IX. of 1810, that the Board of Customs, Salt and Opium, shall have power to fix, and from time to time to alter the rates of Wharfage and Godown Rent charges, and to determine the time for which Goods shall be allowed to remain on the Wharfs or in the Godowns of the Custom House, free of charge, while the Goods are being passed for import or export by Sea.

XVII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk, shall be weighed on board ship before being sent to land, and to levy duty according to the result of such weighing.

XVIII. And it is hereby enacted, that whoever shall intentionally offer any obstruction to the weighing directed by the preceding Section, shall be punished with a fine not exceeding 500 Rupees.

POST OFFICE ACT.

ACT No. XVII. OF 1837.

[*Passed on the 24th July*, 1837.

1. *Repeals Bombay Regulation* 11, 1830.

2. *The exclusive right of conveying letters by post for hire shall be in the Governor General in Council.*

3. *But the Governor General in Council, and authorities empowered by him, may grant a licence to any person to convey letters by post.*

4. *Governor General in Council or other authority who may have granted such licence, may revoke it at pleasure.*

5. *Whoever, except under authority of such licence, knowingly conveys any letter by post for hire, or receives any letter or packet of letters, or delivers, or is accessary to such conveyance, receipt or delivery, shall be fined not exceeding* 50 *Rupees for every letter.*

6. *Inland postage duties shall be levied at the rates set forth in Schedule A. and postage may be paid either on receipt or delivery, at the option of sender, and no additional charge shall be made on letters transfered from Post Office in one to Post Office in another Presidency.*

[*Note.—This has been modified by Act No.* 17, 1839.]

7. *When there is a banghy on a line of road, no person shall be entitled to demand that any letter or packet exceeding* 12 *tolas, shall be conveyed by the letter post on that road.*

8. *This section is repealed by Section* 1, *Act* 20, 1838.

9. *No packet described in Table* 2, *Schedule A. shall contain any writing other than a writing necessarily part of the documents which such packet is stated to contain; fine of* 50 *Rupees for contravention of this law.*

10. *No packet described in Table* 3, *Schedule A. shall contain any writing whatever except the direction ; fine of* 50 *Rupees for contravention of this law.*

11. *Proof sheets marked as such and delivered open at Office may be sent by letter post at the rates in Table* 3, *Schedule A.*

12 *The Governor General in Council shall frame a scale of distances according to which the rates of inland postage shall be calculated.*

13. *Steam postage, according to rates fixed by Governor General in Council, shall be levied on all letters and packets received, sent and received by Government Steamer, and such steam postage shall be in excess of the inland postage.*

14. *Ship postage, according to rates in Schedule B. shall be levied on letters sent or received by sea through the Post Office,*

[*Note.—Modified by Act No.* 17, 1839]

15 *and* 16. *The Commander of a Vessel arriving from Sea at a place where there is a Post Office shall cause immediate delivery of the letters on board, and also report if there are letters for any other place, and receive and act according to the directions of the Post Master; wilful disobedience subject to fine not exceeding* 1,000 *Rupees.*

17. *Post Office to pay Commander one anna for every letter.*

18. *If letters are transhipped to another Vessel, the Commander of the latter Vessel to be paid half an anna for every letter at the Post Office at which he delivers them.*

19. *No payment shall be made to Commander of any Vessel for delivery of letter or packet, unless claimed before the Vessel leaves the place, or within three months after date of arrival.*

20. *Commander of every Vessel leaving any place by Sea, shall receive on board every letter and packet which he shall be required to receive from Post Office, and shall sign a receipt: or shall be liable to fine not exceeding* 1,000 *Rupees.*

21. *Unpaid letters or packets may be returned, unless opened, in which case postage must be paid; except the letter or packet shall appear to have been sent for the purpose of annoying the person to whom it is directed.*

22. *Every letter rejected unopened, shall be returned to the sender, who shall pay the return postage unless direct postage has already been paid thereon.*

23. *Rejected letter, the sender of which is unknown, shall be opened by the Post Office Officer.*

24. *Letters may be detained at the Post Office until postage is paid.*

25. *Unclaimed letters after lying three months at any Post Office, shall be sent to the General Post Office of the Presidency.*

26. *At intervals not exceeding three months lists of unclaimed letters and packets in the General Post Office, shall be published in the Official Gazette.*

27. *Letters and packets unclaimed for* 18 *months at the General Post*

Office, shall be opened by the Post Master General, and valuable property therein paid into the Government Treasury for the benefit of party having a right thereto, and after a further period of 12 *months such letter may be destroyed, if unclaimed.*

28. *Enumerates the persons to whom shall be allowed the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage. Such letters to be franked in manner directed by the Governor General in Council.*

29. *The Governor General in Council may grant to any person the same privilege.*

30. *Post Master General, or Post Master, suspecting that any letter or packet at his Office contains contraband, or any article on which duty is owing, or any writing in contravention af Sections* 9 *and* 10, *may summon the person to whom it is directed, and open the letter in his presence, or in his absence if he neglects to attend.*

31. *Government shall not be responsible for loss or damage, nor any person employed by Government, unless caused maliciously or fraudulently by such person.*

32. *Fines incurred under this Act may be levied on conviction before any Magistrate or J. P., or person exercising the powers of a Magistrate. But, only Post Master General, or Post Master, shall be competent to institute any prosecution.*

33. *Any person in the employment of Post Office, or of any contractor with the Post Office, who shall fraudulently appropriate any letter or packet, or its contents, or shall open with fraudulent intention, shall be liable to imprisonment with or without hard labor for not exceeding* 7 *years, and to fine.*

34. *Any such person fraudulently appropriating postage duty, shall be liable to imprisonment with or without hard labor for not exceeding* 2 *years and to a fine.*

35. *Any such person fraudulently putting wrong mark on letter or packet or altering or causing to disappear any mark, liable to imprisonment with or without hard labor for same term and fine.*

36. *Any such person fraudulently preparing incorrectly or altering or secreting or destroying any document entrusted to him to keep or prepare shall be liable to like punishment.*

37. *Any such person putting any letter or packet into the Wallets of the Post Office intending to defraud Government of duty shall be liable to like punishment.*

38. *The tola weight mentioned in this Act is the tola of* 180 *grains troy.*

39. *Commencement of Act.—Schedules A, &c.*

Repealed by Act XVII. of 1854.

THUGGEE.

ACT No. XVIII. OF 1837.

[*Passed on the 7th August*, 1837.

Any person charged with murder by Thuggee, or with having belonged to a Gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any Criminal Court competent to try such person.

It is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any Magistrate or Joint Magistrate within the Territories of the East India Company, for trial before any Criminal Court, competent to try such person on such charge.

Extended by Act XXIV. of 1843, to persons concerned in the perpetration of Dacoitee.

EVIDENCE.

ACT No. XIX. OF 1837.

[*Passed on the 7th August*, 1837.

No person to be incompetent as a witness by reason of conviction for any offence whatever.

Included in Act II. of 1855, s. 14.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. XX. OF 1837.

[*Passed on the 11th September*, 1837.

1. *Immoveable property as far as regards its transmission by will or in case of intestacy, to be of the nature of Chattels real and not of freehold.*

2. *Defects of title not to be taken advantage of, if transmission took place before 1st October, 1837, according to rules relating to freehold property, or according to the law of the nation to which deceased person belonged, or was acquiesced in by other parties interested, or was according to rules relating to Chattels real.*

3. *Persons conveying for valuable consideration before the 1st October, 1837, to retain the consideration in certain cases.*

I. It is hereby enacted, that from the first day of October, 1837, all immoveable Property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, be taken to be, and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title, arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the Rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the Rules which regulate the transmission of Chattles real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable Property derived from a deceased person, shall have been, before the said first day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the Rules which regulate the transmission of freehold Property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

OFFICE OATHS AND DECLARATIONS.

ACT No. XXI. OF 1837.

[*Passed on the 25th September*, 1837.

1. *Governor in Council of any Presidency having a Council, and Governor of any Presidency not having a Council, and Lieutenant Governor of the N. W. Provinces, may dispense with any oath now required to be taken.*

2. *The above dispensing power not to extend to oaths taken in the course of judicial proceedings.*

3. *When an oath is dispensed with, a declaration in writing to the same effect shall be substituted.*

4. *Any person knowingly stating any untruth in any declaration, which would have been perjury in an oath, shall be punished with imprisonment, not exceeding a year, or fine, or both.*

I. It is hereby enacted, that from the first day of October, 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any Oath which by any Regulation of that Presidency or by any Act of the Governor General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant Governor of the N. W. Provinces to dispense with any Oath which by any Regulation or any Act of the Governor General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any Oath now required by Law to be taken in any stage of any Judicial proceeding.

III. And it is hereby enacted, that whenever any Oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such Oath shall, in the presence of the functionary by whom but for such dispensation such Oath would have been administered, make and subscribe a Declaration in writing to the same effect with such Oath.

IV. And it is hereby enacted, that whoever shall, in any Declaration made and subscribed according to the Provisions of this Act, knowingly state any untruth such that if that untruth had been stated on Oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

MADRAS.—REVENUE.

ACT No. XXII. OF 1837.

[*Passed on the 25th September*, 1837.

1. *Neither the Criminal Judge nor the Magistrate of Chingleput to have jurisdiction in respect of offences against the revenue within the Collectorate of Madras.*

2. *The jurisdiction of such Criminal Judge and Magistrate to be exercised by the Superintendent of Police of Madras, and by his deputies subject to same rules as Criminal Judge and Magistrate.*

3 *Superintendent and Deputies not to be subject to the orders of the Court of Circuit, &c., nor be bound to furnish any Calendar, &c. to that Court, but only to Court of Foujdarry Adawlut.*

4. *Superintendent and his Deputies may commit any person to Madras Jail, whom the Criminal Judge &c. might have committed*

5. *Clause 5 Sec. 8, Reg. 15, 1803 to apply to Convicts committed by Superintendent or his Deputies.*

I. It is hereby enacted, that from the first day of November, 1837, neither the Criminal Judge nor the Magistrate of the Zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the Collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said Criminal Judge, and also the whole jurisdiction now belonging to the said Magistrate in respect of such offences, shall, from the first day of November, 1837, belong to the Superintendent of Police of the Town of Madras, and to every one of the Deputies of the said Superintendent, and shall be exercised by the said Superintendent and by every one of the said Deputies, according to the rules by which the said Criminal Judge and the said Magistrate are now bound to exercise the same. [Construed by Act XIII. 1856 s. 1.]

III. Repealed by Act XIII. 1856.

IV. Provided also, that it shall be lawful for the said Superintendent and every one of the said Deputies in cases in which the said Criminal Judge or the said Magistrate would now be empowered to commit any person to the Jail of Chingleput, to commit such person to any Jail within the Collectorate of Madras. [Construed by Act XIII. 1856, s. 1.]

V. Repealed by Act XIII. 1856.

MADRAS.—JUDICIARY. PRINCIPAL S. AMEENS.

ACT No. XXIII. OF 1837.

[*Passed on the 2nd October*, 1837.

The Governor in Council, by order in Council, may invest P. S Ameens at Stations where Jail Deliveries are held, with powers of commitment in cases of perjury.

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest Principal Sudder Ameens at Stations where Jail Deliveries are held, with the same powers of commitment in cases of Perjury as are exercised by the Criminal Judges under Section III. Regulation VIII. of 1829 of the Madras Code.

BENGAL.--MOFUSSIL POLICE.

ACT No. XXIV. OF 1837.

[*Passed on the 2nd October*, 1837.

1. *The Governor of Bengal may appoint a Superintendent of Police for any part of that Province. Ditto the Governor of the N. W. Provinces for any part of those Provinces.*

2. *When a Superintendent is appointed under this Act, the duties and powers vested in the Commissioner of Revenue and Circuit, by Section* 7, *Reg.* 1, 1829, *shall cease: and such Superintendent shall be guided by Reg.* 10, 1808, *and subsequent Regulations.*

3. *Section* 3, *Reg.* 9, 1831, *to cease to have effect whenever Superintendent is appointed.*

4. *Superintendent to exercise all the powers now by Commissioner of Circuit under Section* 3, *Reg.* 1, 1829, *in regard to the appointment, suspension and removal of any Ministerial Officer subordinate to Zillah Magistrate, City Magistrate, or Joint Magistrate.*

5. *Session Judge, when vested under Act* 7, 1835, *with the whole administration of Criminal justice, shall receive and try any appeal made to him from any order of Zillah or City Magistrate, or Joint Magistrate in any judicial proceeding whatever.*

6. *Decision of Session Judge in any such appeal not to be open to revision by the Nizamut Adawlut.*

7. *Session Judge, when vested with the whole administration of Criminal Justice, shall possess the same control, &c., over Jails, &c., and officers, &c. as formerly belonged to Commissioners of Circuit.*

8. *At what time this Act to come into operation.*

I. It is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal to appoint a Superintendent of Police for the Territories under his Government or for any part thereof, and for the Lieutenant Governor of the N. W. Provinces to appoint a Superintendent of Police for those Provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of Section 7, Regulation I. 1829 of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the Territories which may be comprised within the jurisdiction of such Superintendent,—and such Superintendent shall be guided in the execution of the duties of his Office by the Rules contained in Regulation X. 1808, and other Regulations of the Bengal Code, subsequently enacted, in regard to the said Office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any jurisdiction, Section 3, Regulation X. 1831 of the Bengal Code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the Superintendent of Police appointed under this Act, shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I. 1829 of the Bengal Code, in regard to the appointment, suspension and removal of any Ministerial or Police Officer, subordinate to any Zillah or City Magistrate, or Joint Magistrate.

V. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. of 1835, be vested in any Session Judge, such Session Judge shall receive and try any appeal made to him from any order of any Zillah or City Magistrate, or Joint Magistrate, whether such order may have been passed in a Criminal trial or in any Judicial proceeding whatever—provided, that it shall not be competent to such Session Judge to interfere with any order passed by a Zillah or City Magistrate, or Joint Magistrate, regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has by Section IV. of this Act been entrusted to the Superintendent of Police.

VI. And it is hereby enacted, that the decision of a Session Judge in Appeal from the order of a Zillah or City Magistrate, or Joint Magistrate, in any Judicial proceeding other than a Criminal trial; and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministe-

rial or Police Officer of a Zillah or City Magistrate, or Joint Magistrate, passed under the provisions of Sections IV. and V. of this Act, respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835, and Section V. of this Act, be vested in any Session Judge, such Session Judge shall possess the same control and superintendence over every Jail under the management of any Zillah or City Magistrate, or Joint Magistrate, subject to his jurisdiction, and over the Officers of every such Jail as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation V. 1829, or of any Regulation, Act, or Circular Order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st January, 1838, except so much thereof as authorized the appointment of Superintendents of Police which shall come into operation from the day of the passing of this Act.

BENGAL.—JUDICIARY SYSTEM.

ACT No. XXV. OF 1837.

[*Passed on the 2nd October*, 1837.

1. *Suits of any value may be referred by a Zillah or City Judge to any Principal Sudder Ameen.*

2. *Repeals so much of Clause* 2, *Section* 31 *of Regulation VII.* 1822, *and Section* 19 *of Regulation VIII.* 1831, *as provides that Suits of the description therein referred to, shall not be cognizable by any Sudder Ameen or Moonsiff.*

3. *Zillah or City Judge may refer to any Principal Sudder Ameen, any original suit preferred under the provisions of Clause* 1*st, Section* 30, *Regulation II.* 1818.

4. *In all suits exceeding the value specified in Clause* 1*st, Section* 18, *Regulation V.* 1831, *which shall, under Section* 1*st of this Act, be referred to a Principal Sudder Ameen, the Appeal shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted as if it were an Appeal from a Zillah Judge, and any application for a review of the decision upon such judgment shall be made by the Principal Sudder Ameen, to the Court of Sudder Dewanny Adawlut.*

5. *Suits referred by Zillah Judge, under Section* 7, *Regulation V. of* 1831, *to*

a Sudder Ameen, or Principal Sudder Ameen, shall be subject to the same rules in regard to stamps and Appeal as if it had been tried by a Moonsiff.

6. *In such Suits tried by the Principal Sudder Ameen, the Appeal shall be to the Zillah or City Judge, whose decision shall be final.*

7. *Suits referred for trial to a Principal Sudder Ameen, shall, if within the competency of a Sudder Ameen, be subject to the same rules in regard to Stamp Duties and Appeal, as if they had been referred to the Sudder Ameen, in the first instance.*

8. *The Courts of Sudder Dewanny Adawlut, may authorize the Judge of any Zillah or City Court to transfer to a Principal Sudder Ameen, any civil proceeding; and all proceedings so transferred shall be disposed of by the Principal Sudder Ameeen, according to the rules prescribed for Zillah or City Judges: provided that an Appeal from the Principal Sudder Ameen shall lie to the Zillah or City Judge in the first instance and specially to the Sudder Dewanny Adawlut.*

9. *Repeals Clause* 2, *Section* 2, *Regulation* 7, 1832. *Appeals from the orders of a Principal Sudder Ameen to a Zillah or City Judge, must be preferred within* 30 *days from the date of the order, unless the appellant was prevented by circumstances beyond his control from presenting his Appeal within that period.*

10. *Repeals Clause* 1, *Section* 25, *Regulation* 5, 1831.

11. *Extends Clause* 2 *Section* 25 *Regulation* 5, 1831, *to the Ministerial Officers of the Moonsiff's Court.*

12. *All Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be appointed by those Courts, subject to the general control of the Zillah and City Judge and Sudder Dewanny Adawlut.*

This Act is superseded by the New Code of Civil Procedure as respects all except the Non-Regulation Provinces.

I. It is hereby enacted, in modification of Section XVIII. Regulaton V. 1831 of the Bengal Code, that from the First day of November, 1837, no Zillah or City Judge within the Territories subject to the Presidency of Fort William in Bengal, shall be precluded, by reason of the amount or value of the property of the recovery of which a Suit is instituted, from referring that Suit to any Principal Sudder Ameen.

II. And it is hereby enacted, that so much of Clause Second, Section XXXI. Regulation VII. 1822, and Section XIX. Regulation VIII. 1831 of the Bengal Code, as provides that Suits of the description therein referred to, shall not be cognizable by, or referable to any Sudder Ameen or Moonsiff, be repealed.

III. Repealed by Act VIII. 1859 (the New Code of Civil Procedure) as respects the Province of Bengal from the 1st July 1859, and as repects Madras and Bombay.

IV. And it is hereby enacted, that in all Suits exceeding the amount or value specified in Clause First, Section XVIII. Regulation V. 1831, which shall, under the authority of Section I. of this Act, be referred to a Principal Sudder Ameen, the Appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an Appeal from the decision of a Zillah Judge to the said Court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said Court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for review of a decision of a Zillah Judge.

[By Act No. VI. of 1843, the provision of this Section in respect to Appeals from decisions passed by Principal Sudder Ameens is extended to all interlocutory orders passed by those Officers in Suits of the nature here specified.]

V. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories in the exercise of the discretion vested in him by Section VII. Regulation V. 1831 of the Bengal Code, shall refer for trial to a Sudder Ameen, or Principal Sudder Ameen, a Suit within the competency of a Moonsiff to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal as the said Suit would have been subjected to had it been received and tried by the Moonsiff, in the first instance.

VI. Provided always, that when any such Suit shall have been decided by a Principal Sudder Ameen, the Appeal from such decision shall lie to the Zillah or City Judge, and shall be tried by him only, and that the decision of the Zillah or City Judge on such Appeal, shall be final, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories shall refer for trial to a Principal Sudder Ameen a Suit within the competency of a Sudder Ameen to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal, as the said Suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

VIII. And it is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Register of such Court to authorize the Judge of any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any Civil proceedings, whether miscellaneous or summary, which may be depending at the time when such Order is issued or be thereafter instituted in the Court of the said Zillah or City Judge, and all proceedings so transferred shall be disposed of by the said Principal Sudder Ameen according to the Rules prescribed in the Regulations for the guidance of the Zillah and City Judges in the like cases,—provided however that an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut. [Extended by Act XXV. 1852.]

IX. And it is hereby enacted, that Clause Second, Section II. Regulation VII. 1832, be repealed, and that in all cases in which an Appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorized by Law, such Appeal shall not be received, unless the same be preferred within the period of thirty days from the date of the order or decision of the said Principal Sudder Ameen, to be calculated according to the rules prescribed in Clause Ten, Section VIII. Regulation XXVI. 1814, or unless it shall be proved, that the appellant was prevented by circumstances beyond his control from presenting his Appeal within the above mentioned period.

X. And it is hereby enacted, that Clause First, Section XXV. Regulation V. 1831, of the Bengal Code, be repealed.

XI. And it is hereby enacted, that the rule contained in the second Clause of Section XXV. Regulation V. 1831, be extended to the Ministerial Officers of the Moonsiff's Courts.

XII. And it is hereby enacted, that all Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be nominated and appointed by those Courts respectively, subject to the general control of the Zillah and City Judges and Courts of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

GOVERNOR GENERAL OF INDIA.

ACT No. XXVI. OF 1837.

[*Passed on the 16th October*, 1837.

The Governor General to have all the powers of Governor General in Council except that of making Laws, from the notified day of his having quitted his Council for the N. W. Provinces until he shall rejoin his Council.

And it is hereby enacted, that from the day on which it shall be notified by an Order of the Governor General of India in Council published in the Official Gazette, that the said Governor General has quitted his Council, for the purpose of Proceeding to the North Western Provinces till the time at which the said Governor General shall next, after the said Notification, rejoin his Council the said Governor General shall have all the powers of Governor General in Council, except the power of making Laws or Regulations.

BOMBAY.—SALT DUTIES.

ACT No. XXVII. OF 1837.

[*Passed on the 8th November*, 1837.

1. *On every maund of* 3,200 *tolas of Salt delivered from any Salt Work, a duty of Eight Annas shall be payable unless remitted by Governor in Council.*

2. *Manufacture of Salt prohibited, until notice has been given to the Collector of the District, of the intention to manufacture; such notice to describe the situation of the Works, the name by which they are known, and if manufactured at more places than one, the distance of the places from one another.*

3. *Collector upon receiving such notice shall depute one or more officers to be stationed at the place of manufacture.*

4. *Officer stationed at Salt Works shall have free passage over all parts of the Works at all times; take account of Salt manufactured and stored; mark the Salt, and prevent the removal of it, until the duty shall be paid.*

5. *Collector on receipt of Duty shall give a receipt and order in form A.*

6. *Such receipt and order when filled up shall be a pass authorizing the removal of the Salt.*

7. *Governor in Council may establish Chokies near Salt works, and authorize officers stationed thereat to stop Salt irregularly removed, to search any suspected load passing such Chokie, and to take and cancel any Salt pass.*

8. *Collector may direct Salt works to be destroyed, of which notice has not been given.*

9. *Collector may direct the confiscation of any Salt removed otherwise than according to Rule, or stored clandestinely to evade duty.*

10. *Persons manufacturing Salt at any works whereof notice has not been given, or removing Salt otherwise than according to Regulation, or counterfeiting mark of Collector, shall be imprisoned not exceeding three months, or fined not exceeding* 500 *Rupees, or both.*

11. *Whoever obstructs any officer shall be imprisoned not exceeding six months, or fined not exceeding* 1,000 *Rupees, or both.*

12. *Officer accepting or obtaining, or attempting to obtain a consideration for doing or for bearing to do any official act, shall be imprisoned not exceeding two years, or fined, or both.*

13. *Officer practising or attempting to practise any fraud, or abbetting or conniving at any, or at any attempt to practise a fraud on the revenue, shall be imprisoned not exceeding two years, or fined, or both.*

14. *Governor in Council may transfer the Superintendence of the Salt Revenue from the Collector to any functionary.*

Form of Permit and Pass.

I. Repealed by Act XVI. of 1844, s. 1.

II. And it is hereby enacted, that from the said day* Salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture shall have given notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known, and, if the person giving the notice manufactures Salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding Section of this Act, the Collector of the District shall, by an order under his seal and signature, depute one or more Officers, who shall be stationed for such time as the said Collector shall direct at every such place of manufacture.

IV. And it is hereby enacted, that every Officer stationed at any Salt works in the manner described in the last preceding Section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of Salt manufactured and stored at such works, and to

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15th December 1837.

put on any portion of such Salt which may be stored such a mark as may be prescribed by the Collector of the District, and to prevent the removal of such Salt until the duty thereon has been paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of Salt has been paid to the Collector of the District within which such Salt was produced, such Collector shall deliver to the person who has paid such duty a receipt and order in the form marked A. annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of Salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of Salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding Section of this Act to the Officer stationed at the Salt works whence the Salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein as intended to be filled up by that Officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the receipt and order to the person who removes the Salt, and the part of the receipt and order so delivered to the person removing the Salt shall be a pass authorizing the removing of that Salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish Chokies as near as conveniently may be, to works where Salt is manufactured, and to authorize any of the Officers stationed at such Chokies to stop and detain any Salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such Chokie, and which may be suspected to contain Salt, and to take and cancel every pass under which Salt shall be suffered to pass. [Extended by Act XXXI. 1850 to any territory where Salt is found]

VIII. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct that any Salt works within that District of which notice shall not have been given in the manner described in Section II. of this Act shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the

Collector of a District to direct the confiscation of any Salt which may have been removed from any works within that District otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture Salt at any works, whereof notice shall not have been given to the Collector of the District in the manner required by this Act, or shall remove or aid the removing of any Salt from any Salt works, otherwise than in conformity to the provisions of this Act, or shall, with a fraudulent intention, counterfeit any mark which a Collector of a District may have ordered to be put on Salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 Rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

XII. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIII. And it is hereby enacted, that whoever being an Officer, appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the revenue, or abbets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendence of the Salt revenue of any District from the Collector of that District to any other functionary, and that whenever such a transfer shall take place all provisions of this Act which apply to such a Collector, shall be applicable to the functionary to whom the superintendence of the Salt revenue has been so transferred.

PERMIT No. 1, OF ZILLAH SURAT.

(THIS PART TO BE TORN OFF AND RETAINED BY THE OFFICER.)

Salt delivered this day and this order cancelled——1838
A. B., *Salt Officer.*

CERTIFIED that the sum of Rupees 250 on account of Government duty on five hundred Maunds of Salt has been paid at the Office of———for the District of——— on this day the——— of———in the year———. The Salt is to be delivered by———at the————Works in Pergunna———on or before the 20th Instant.

The Government Officer at those Works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said Twentieth day of December in the year 1838.

A. B., Collector.

Maunds 500.

10*th December*, 1838.

(Tear off here)———————————————————

To be torn off and delivered to the Banjaree.

PASSED this 20th December, 1838, from Salt works ————belonging to———, Maunds of Salt five hundred, to be carried away on Banjaree Bullocks (here enter number). This Pass will protect the dispatch to Doodea until sunset of the 21st December.

BENGAL.—STAMP OFFICER.

ACT No. XXVIII. OF 1837.

[*Passed on the 20th November*, 1837.

Repeals so much of Section 7, Regulation 10, 1829, as directs that the manager of the Stamp Duties shall be a Covenanted Officer.

It is hereby enacted, that so much of Section VII. Regulation X. of 1829, of the Bengal Code, as directs that the Officer to whom the management of the Stamp Duties may be transferred shall be a Covenanted Officer, be repealed.

VIII 0/18

BENGAL.--PERSIAN LANGUAGE.

ACT No. XXIX. OF 1837.

[*Passed on the 20th November*, 1837.

1. *The Governor General in Council may dispense with any Regulation which enjoins the use of the Persian language in Judicial or Revenue proceedings, and prescribe the language and character to be used.*

2. *The Governor General in Council may delegate the powers given by this Act, to any subordinate authority.*

I. It is hereby enacted, that from the first day of December, 1837, it shall be lawful for the Governor General of India in Council, by an Order in Council, to dispense either generally, or within such local limits as may to him seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any Judicial proceeding or in any proceeding relating to the Revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor General of India in Council, by an order in council, to delegate all or any of the powers given to him by this Act, to any subordinate authority, under such restrictions as may to the said Governor General of India in Council seem meet.

MADRAS.--MOFUSSIL POLICE.

epealed by VII 0/62

ACT No. XXX. OF 1837.

[*Passed on the 20th November*, 1837.

Aumeens of Police having the Police powers vested in Tuhsildars shall also possess all Police powers and Criminal Judicial powers vested in Tuhsildars, and be subject to the same Laws and Regulations in respect of such powers as Tuhsildars.

It is hereby enacted, that from the Fifteenth day of December 1837, all Aumeens of Police who have been or may be appointed according to Section XL. Regulation XI. of 1816 of the Madras Code, to act with the Police powers vested in Tuhsildars by that Regulation, shall possess all Police powers and Criminal Judicial powers which are vested in Tuhsildars within the Territories subject to the Presidency of Fort St. George, by any Law or Regula-

tion whatever, and shall be subject to all provisions to which, by any Law or Regulation, Tuhsildars are subject, in respect of any of those powers.

COINAGE.

ACT No. XXXI. OF 1837.

[*Passed on the 20th November*, 1837.

1. *Suspends so much of Act XVII.* 1835, *as directs certain Coins to bear the head of Her Majesty.*

2. *Until Order in Council, the Coins shall bear the head of His Majesty William IV.*

Obsolete. cf XIII 57/62

EMIGRATION ACT.

ACT No. XXXII. OF 1837.

[*Passed on the 20th November*, 1837.

1. *Repeals Act V.* 1837.

2. *Natives of India contracting for service out of Territories of E. I. C. not to embark without permit or order.*

3. *Before permit is granted the contracting parties must appear before officers and exhibit a memorandum of the contract, &c.*

4. *Contract must be determinable within five years, and must contain a stipulation for conveying back the native free of charge.*

5. *Native to be examined by officer, and time of contract to be explained to him.*

6. *Officer, if satisfied, may endorse the memorandum with permit.*

7, 8. *If permit applied for more than* 20 *persons, Officer to Summon person in charge of vessel and enquire as to accommodation &c. and* (8) *shall not grant permit unless satisfied.*

9, 10. *Officer to keep a register of Natives to whom permit are granted, and* (10) *to be paid not exceeding one rupee for such permit.*

11. *Establishes fine on person in charge of vessels suffering Natives to embark without permit.*

12. *Act not to apply to Native seamen employed as such.*

Repealed by Act XIV, 1839.

MADRAS.—MOFUSSIL POLICE.

ACT No. XXXIII. OF 1837.

[*Passed on the 20th November*, 1837.

1. *Clauses 2 and 3, Section 4, Regulation 4 of 1821 shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.*

2. *Head of District Police shall in his report to a Magistrate for final orders, state the description and extent of punishment, in his opinion proper, and the Magistrate shall record his reasons, if he varies it.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the provisions of Clauses Second and Third, Section IV. Regulation IV. of 1821 of the Madras Code, shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of District Police shall, under those provisions, report any case whatever to a Magistrate for final orders, such head of District Police shall state precisely in his report the description and extent of the punishment which, in his opinion is proper to be inflicted in that case; and the said Magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

MADRAS.—JUDICIARY SYSTEM.

ACT NO. XXXIV. OF 1837.

[*Passed on the 20th November*, 1837.

1. *and 2, Repeal Section 6, Regulation 8, 1827. Magistrates may send persons for trial, committal, or confinement to Principal Sudder Ameens, except Europeans and Americans, who shall be sent as heretofore to the Criminal Judge.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, Section V. Regulation VIII. of 1827 of the Madras Code, shall be repealed; and that it shall be lawful for Magistrates, under the Government of the Presidency of Fort St. George, to send persons for trial, committal, or confinement, to Principal Sudder Ameens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any

European or American, for such purpose, to a Principal Sudder Ameen; but that Magistrates shall send Europeans and Americans for trial, committal, or confinement, to the Criminal Judges, as heretofore.

MADRAS.—JUDICIARY SYSTEM.

Repealed by X of 1861 ACT No. XXXV. OF 1837.

[*Passed on the 20th November*, 1837.

1. *Repeals all provisions requiring any translations of Decrees passed by Sudder Adawlut, or by Provincial Courts, &c. to be attached to those Decrees, or furnished to the parties.*

2. *An Abstract of every Decree shall on the day of the promulgation of the Decree be entered in the Diary of the Court passing the Decree. Suitors to be entitled to have a copy of that Abstract.*

3. *Repeals rules for determining from what day time for appealing shall run. Such time to be computed from the day on which the Decree is sealed, &c. Further time to be allowed when copy, &c. of Abstract is delayed to be delivered.*

4. *The day on which the time for appealing will expire, shall be certified at the end of every document furnished to Suitor as aforesaid.*

5. *The day on which the time for appealing will expire shall be proclaimed on the day when the Decree is sealed and signed.*

Repealed by the New Code of Civil Procedure (VIII. of 1859) except as to the Non-Regulation Provinces.

I. it is hereby enacted, that from the Fifteenth day of December, 1837, all provisions of any Regulation of the Madras Code, which direct that any translations of Decrees, passed by the Court of Sudder Adawlut, or by the Provincial Courts, or by the Courts of Zillah Judges, or by the Auxiliary Courts, under the Presidency of Fort St. George, shall be attached or appended to those Decrees, or shall be furnished to parties in the Suits wherein those Decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day, an Abstract of every such Decree, containing a succinct statement of the grounds of Judgment, shall, on the day of the promulgation of the Decree, be entered in the Diary of the Court passing the Decree; and every party in the Suit wherein the Decree is passed, shall be entitled to be furnished with a copy of that Abstract, on application for a copy thereof, or with a translation of that Abstract in a cur-

rent language of the District or country, on application for such a translation.

III. And it is hereby enacted, that from the said day, all rules now in force within the Presidency of Fort St. George, for determining from what days the limited periods for appealing from Decrees of the Sudder Adawlut, or of the Provincial Courts or of the Zillah Judges, or of the Zillah Assistant Judges, or of the Zillah Registers shall be computed, shall be repealed; and that such limited periods for appealing from any such Decree shall be computed from the day on which the Decree is sealed and signed, agreeably to Section XXVII. Regulation III. of 1802 of the Madras Code: Provided always, that if, within such limited period as aforesaid, an application be made by a Plaintiff or Defendant for a copy of the Decree, or for a copy or a translation of the Abstracts mentioned in the clause last preceding, or for both a copy of the Decree and a copy or a translation of the Abstract, and if the Document or Documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of the party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire, shall be certified at the end of every document furnished to any party according to the last preceding Clause.

V. And it is hereby enacted, that on the day on which any such Decree is sealed and signed, the day on which the original limited period for appealing will expire shall be proclaimed in open Court.

MADRAS.—CRIMINAL JURISDICTION.

ACT No. XXXVI. OF 1837.

[*Passed on the 20th November*, 1837.

1. *The jurisdiction vested in Collectors &c. by Regulation* 9, 1822, *and* 7, 1828, *in cases of embezzlement of public money, &c. and of falsification of public accounts &c. shall extend to such offences by any person of the classes described in Clause* 3, *Section* 2, *Regulation* 9, 1822.

2. *The same Regulations to apply to cases provided for by above Section.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the Jurisdiction vested in Collectors, Subordinate Collectors and Assistant Collectors, by Regulation IX. of 1822 and VII. of 1828 of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day, all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever, by persons of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1892: and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to any public property whatever, by persons of any of the said classes.

BOMBAY.—POLITICAL OFFENCES.

ACT No. XXXVII. OF 1837.

[*Passed on the 20th November*, 1837.

1. *Repeals so much of Section 26 Regulation 13, 1827, as requires Special Courts to forward their proceedings to the Governor in Council, upon the trial of persons charged with political offences: such proceedings to be forwarded to the Foujdarry Adawlut.*

2 *Such trial to proceed according to the same rules as other trials: but sentence not to be carried into effect until proceedings reported to the Governor in Council*

I. It is hererby enacted, from the First day of January, 1838, so much of Section 26, Regulation XIII. 1827, of the Bombay

Code, as requires that the Special Courts for the trial of persons charged with offence of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those Courts shall from the said First day of January, 1838, forward their proceedings to the Foujdarry Adawlut.

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

BENGAL.—LOCAL AGENT.

ACT No. XXXVIII. OF 1837.

[*Passed on the 20th November*, 1837.

No person to be incapable of being appointed a Local Agent under Regulation 19, 1810, by reason of his not being in the Civil, Military or Medical branch of the service.

It is hereby enacted, in modification of the provision contained in Section IX. Regulation XIX. of 1810 (*a*) of the Bengal Code that no person shall, by reason of his not being in the Civil, Military, or Medical branch of the service, be incapable of being appointed a Local Agent under that Regulation.

(*a*) By this Regulation the repair of Bridges, Serays, &c. is intrusted to the Board of Revenue, with the assistance of Local Agents, who, previous to the above Act, were required to be one of the above services.

BOMBAY.—CUSTOMS ACT.

ACT No. I. OF 1838.

[*Passed on the 3rd January*, 1838.

1. *Repeals all Regulations of the Bombay Code passed prior to* 1827, *excepting Sections* 1, 2, 3, *Regulation* 6, 1799, *and Clause* 2, *Section* 7, *Regulation* 9, 1800, *and Sections* 14, 17, 20, 21, 25, *Regulation* 1, 1805, *and Regulation* 2, 1810, *and Regulation* 6, 1814.

2. *Repeals Chapters* 1, 2, 4, 6, 8, 9, *Regulation* 20, 1827, *together with the Appendices A, B, C, E, H, I, J, K; also Regulation* 2, 1831; *Regulation* 13, 1831; *Regulation* 1, 1832; *Regulation* 4, 1833, *Regulation* 4, 1834, *and all parts of Regulations prescribing the levy of transit or Inland Custom Duties &c. also Act* 2, 1836.

3. *The above Sections shall not prevent the levy of any town duty, or municipal tax, or toll on any bridge &c., or fee for erection or maintenance of light houses.*

4. *Import Custom duties shall be according to the rates specified in Schedule A.*

5. *Export Custom duties shall be according to rates specified in Schedule B.*

6. *The firman privileges of ships of European nations, in the port of Surat, not to be affected by this Act.*

7. *Customs duties on goods passing by land into or out of foreign European settlements within the limits of the Presidency of Bombay shall be levied at the rate prescribed for exports and imports on foreign bottoms.*

8. *The Governor in Council may declare by notice that the territories of any Native Chief not subject to the authorities of the Presidency shall be deemed foreign territory, and to declare Goods passing into or out of it, liable to the duty fixed for British or foreign bottoms.*

9. *For the levy of Customs duties on goods exported by land to, or imported by land from such foreign territories, Customs-Chokees may be established. Officers at such Chokees may detain Goods to examine &c.—Goods not to be allowed to pass until certificate is produced of Customs-duties having been paid.*

10. *The Governor in Council may appoint Officers to receive Customs duties, and grant certificates of payment. Certificate delivered to Chokee Officers shall entitle Goods to pass frontier.*

11. *Governor in Council shall give public notice of the appointment of Officer to receive duties. Officer to give Certificates of payment. What the Certificate shall contain.*

12. *No certificate shall be received at any Chokee more than* 30 *days after date thereof. Certificate not used, may be renewed with fresh date, upon giving up the old one.*

13. *Governor in Council may prescribe by what routes Goods shall be allowed to pass into or out of Foreign territory. Goods taken by other routes except by ignorance or accident may be sent back.*

14. *Goods passed or attempted to be passed across any frontier guarded by Chokees between sunrise and sunset shall be seized and confiscated*

15. *Any Chokee Officer permitting Goods to pass across the frontier not covered by Certificate, or to pass by prohibited route shall on conviction before Collector of Customs be imprisoned not exceeding* 6 *months and fined not exceeding* 500 *Rupees, commutable if not paid to a further imprisonment of* 6 *months.*

16. *Chokee Officer needlessly and vexatiously injuring Goods under pretence of examining them, or wrongfully detaining Goods covered by Certificate shall be imprisoned for not exceeding* 6 *months, and fined not exceeding* 500 *Rupees, commutable to imprisonment for* 6 *months more.*

17. *Goods imported by Sea from Foreign European settlement in India, or*

from any native state, the inland trade of which is subject to the duties levied on Foreign bottoms shall be liable to same duties as imports on Foreign bottoms.

18. *No Goods liable to duty shall be exempted except by Governor in Council. Baggage in actual use may pass free.*

19. *Goods imported from any other part of the same Presidency under Certificate shall be admitted free.*

20. *Duties paid on Goods at any other Presidency, shall be credited for at the Bombay Presidency.*

21. *Governor in Council may fix a value for articles liable to ad valorem duties.*

22. *Goods for which a value has not been fixed shall be assessed according to market value at the place and time of exportation or importation as case may be.*

23. *Owner or agent, &c. of Goods shall declare the market value in his application for Custom House pass. What other particulars shall be stated on application.*

24. *Every such declaration if deemed correct shall be countersigned by Officer as admitted. If declared value deemed below real value, Collector may take the Goods as purchased for Government at declared value.*

25. *Governor in Council may declare what shall be landing and shipping ports, and Goods landed or attempted to be, at any other than declared ports, shall be seized and confiscated.*

26. *Master of vessel arriving in any port shall deliver a manifest of cargo according to form, or shall send it by first boat.*

27. *Master liable to fine of* 1000 *Rupees, if the manifest shall not contain a full and true specification of Goods: and packages found on board in excess of the manifest, or differing &c. shall be liable to be seized and confiscated, or charged with increased duties.*

28. *If inward bound vessel shall remain outside or below the place fixed by Governor in Council for the first delivery of manifests, manifest shall be delivered to first person coming on board to receive it. Master refusing to deliver manifest shall be fined not exceeding* 1000 *Rupees, and until paid, no port clearance shall be given.*

29. *No vessel shall break bulk, until Collector has received a manifest, and has given order for discharge of cargo. Collector may refuse such order until port clearances &c. shall have been delivered to him.*

30. *No Goods to leave any vessel, until vessel is entered in the Custom house and order for discharge of cargo is given. Goods to be seized as contraband, if removed in contravention of this provision. Cargo not declared for re-exportation may be sent to land.*

31. *If manifested goods are not found on board, or short, and not duly accounted for, the Master shall be liable to a penalty, &c. Collector of Customs may permit Master to amend obvious errors in Manifest.*

32. *Places to be appointed for the landing and shipment of Goods; and goods not to be landed at any other.*

33. *Governor in Council may maintain special establishments of boats for the landing and shipment of cargo. Goods sent in other boats liable to confiscation.*

34. *Officers may be sent on board to watch the lading and unlading of vessels.*

35. *Master of vessel refusing to receive Officer on board with one servant, or not affording him shelter, &c. and water with means of cooking, shall be fined not exceeding* 100 *Rupees, &c.*

36. *Collector of Customs may issue warrant for search of vessel. Officer may require Cabins &c. to be opened in his presence, or may break them open. Goods found concealed liable to confiscation. Master refusing to allow a search, to be fined* 1000 *Rupees.*

37. *Master removing or putting on board any Goods between sun-rise and sun-set, or any day when Custom house is closed &c. without leave, shall be fined not exceeding* 500 *Rupees.*

38. *Cargo-boat not to make fast to or lie alongside vessel with Custom-house Officer on board, unless it has a permit, or the Goods are covered by a pass.*

39. *Boat not to be sent on shore with cargo. Requisites of the boat note.*

40. *Goods brought to Custom-house, not corresponding with pass &c. shall be liable to confiscation.*

41. *Goods attempted to be removed after they have been landed, without a pass, shall be confiscated, unless the attempt was made without the sanction of the owner.*

42. *The Collector of Customs may require Goods brought by sea and stowed in bulk to be weighed or measured before sent to land, and may levy duty according to weight or measurement.*

43. *Salt certificated as having paid the duty may be re-exported without payment of further duty.*

44. 20 *days exclusive of Sundays, &c. from time Officer goes on board shall be allowed for discharge of Vessels not exceeding* 600 *Tons,* 30 *for larger Vessels. Vessels detaining Officer longer shall pay his wages and expenses.*

45. *If no Officer is sent on board, Collector may fix a period, not less than* 20 *days for clearance of vessel inward. Collector may order Goods to be landed and warehoused for security of duties and of freight and primage, &c.*

46. *Vessel not exceeding* 600 *tons to be allowed* 15 *days to take in export cargo, beyond the* 20 *days before specified; vessel exceeding* 600 *tons to be allowed* 20 *days. What is to be done, in case of vessel having discharged cargo, being laid up.*

47. *Master putting Goods on board before Officer is placed on board, shall be fined not exceeding* 1000, *Rupees, and the Goods be relanded.*

48. *Double duty to be levied upon Goods, if shipped after port clearance granted; or* 5 *per cent. on Goods free of duty, or on imported Goods the drawback shall be forfeited.*

49. *If vessel has put back from stress of weather, &c. and cargo has to be unshipped, a Custom House Officer shall go on board and take charge of cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be refunded.*

50. *When Goods are relanded before the lading of a vessel is complete, &c. the duty shall be returned to the exporter.*

51. *Governor in Council may make rules for the anchoring of coasting and country craft, &c. for delivery of manifests, &c. for landing and shipping Goods, &c. Persons contravening such rules to be fined not exceeding* 100 *Rupees.*

52. *Pattamars, Dhonies, Botellos and other small craft from the Maldives, &c. shall be treated in Bombay as coasting craft of the British territory provided they conform to regulations.*

53. *No drawback to be allowed on Goods shipped on such Native craft.*

54. *Goods in such vessels not subject to import or export duty: but if brought in such vessels and transhipped, they shall be liable to same duty as if brought in the vessel into which they are transhipped.*

55. *Goods not to be transhipped, except under order from the Collector.*

56. *Except at Bombay, an anchorage fee shall be levied on all country craft above the burthen of* 100 *maunds at rates in this section specified.*

57. *and* 58. *The Collector of Customs of the place where Goods are, shall be competent to adjudge confiscation. And may refuse port clearance until fine on person in charge of vessel is paid.*

59. *If seizure of Goods has been vexatious, the Collector may adjudge damages to owner, besides ordering Goods to be released. Such damages if accepted shall bar action against Officer. If confiscation of Goods is legal, but too heavy a penalty, the same may be commuted for double duty. Officers may be rewarded out of proceeds of sale of confiscated Goods.*

60. *Officers of Customs to be amenable to the Civil Courts by action, &c. But not Collector in respect of judicial awards.*

61. *Whoever intentionally obstructs an Officer shall be imprisoned not exceeding* 6 *months, or fined not exceeding* 1,000 *Rupees, or both.*

62 *Any Officer accepting a consideration for doing or forbearing any official Act, shall be imprisoned not exceeding* 2 *years, or fined, or both.*

63 *Any Officer practising or attempting or abetting or conniving at &c. any fraud against the revenue, shall be imprisoned not exceeding* 2 *years, or fined, or both.*

64. *Governor in Council may transfer powers of Collector of Customs to any other functionary, may make rules, &c. establish bunders, &c. and fix rates of wharfage and rent, &c.*

Repealed by Act I. 1852.

NORTH WESTERN PROVINCES.—SALT.

ACT No. II. OF 1838.

[*Passed on the 5th January,* 1838.

1. *No Salt manufacture to be established in N. W. Provinces except beyond the right bank of the Jumna, without notice to the Collector.*

2, 3. *Officer to be stationed at place of Salt manufacturer; and* (3) *to be paid by manufacturer.*

4. *Salt works established without notice to be destroyed and Salt at them confiscated.*

5 *Land owners and occupiers to give notice of Salt works on their lands.*
6. *Magistrate to receive charges under the Act.*
7. *Resistance to Officers how to be punished.*

Repealed by Act No. XIV. 1843.

MADRAS AND COCHIN.—JUDICIARY.

ACT No. III. OF 1838.

[*Passed on the 5th January*, 1838.

1. *Repeals Act VIII.* 1837.
2. *Joint Criminal Judge of Cochin having jurisdiction over Anjengo and Changancherry, shall exercise all the powers of Joint Magistrate as defined in Madras Regulations.*

I. It is hereby enacted, that Act No. VIII. of 1837, be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort Saint George shall appoint a Joint Criminal Judge of Cochin, and shall give to such Joint Criminal Judge jurisdiction over the Districts of Anjengo and Changancherry, such Joint Criminal Judge shall exercise, within his jurisdiction, all the powers of Joint Magistrate as defined in the Madras Regulations.

BOMBAY.—PERJURY.

ACT No. IV. OF 1838.

[*Passed on the 29th January*, 1838.

Sudder Adawlut may commit any person for Perjury apparently committed before it, and send him for trial to the Zillah Court.

It is hereby enacted, that if it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of Perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency in order to his being brought to trial before the Session Court of the Zillah in which such Zillah Court is situated; and such person shall be dealt with in the same manner, as if the Perjury had been committed within the limits of the local jurisdiction of such Court of Session. [Section III. of Act No. XV. of 1835, makes a similar provision for the Sudder Adawlut of Madras.]

BENGAL BONDED WAREHOUSE ASSOCIATION ACT.

ACT No. V. OF 1838.

[*Passed on the* 14*th March*, 1838.

1. *The persons in Schedule I. to be a Corporate Body, by name of the Bengal Bonded Warehouse Association.*

2. *Association may sue and be sued by its corporate name, and may hold by way of pledge; and may transfer property.*

3. *Ten Lacs, subscribed, shall be the Capital Stock divided into* 2,000 *shares of* 500 *Rupees each.*

4. *Directors shall cause names &c. of Proprietors to be registered. Register book shall be open to inspection of all persons.*

5. *Each Proprietor shall be entitled to have either a Certificate for each share, or one Certificate for all his shares, signed by three Directors.*

6. *Shares may be transferred by indorsement on Certificate, by Proprietor or his Attorney. Transfer not effectual until registered, and registration noted by Officer of the Association on the back of the Certificate.*

7. *Proprietor of Stock ceasing to be such, shall cease to be a member of the Association. Persons becoming proprietors shall become members.*

8. *Business shall be managed by six Directors. Names of first Directors.*

9. *Director may be removed and elected by general meeting of Proprietors.*

10. *Directors to go out by rotation. Rotation to be settled by lot. Director going out, not re-eligible till the year following.*

11. *If Director ceases to be so except by rotation, a new one shall be elected at an extraordinary general meeting.*

12. *No person to be eligible to be a Director who has not* 15 *shares for which he has been registered* 3 *months.*

13. *No person eligible for Director, unless resident in the Bengal territory.*

14 *Ordinary meetings shall be held twice a year. What business shall be done at them. No dividend to be paid out of Capital*

15. *Ordinary meetings may be adjourned*

16. *Extraordinary meetings may be held according to Bye-laws, after* 14 *days' public notice.*

17. *At general meetings questions to be decided according to majority of votes. No person to vote unless he has* 2 *or more shares.*

18. *Proprietors to vote according to following scale, viz. &c.*

19. *Joint vote of partners to be received as the vote of a single proprietor.*

20. *Proprietor may vote by proxy. Proxy may be general or special, limited or unlimited.*

21. *Directors may expend money in purchasing and erecting ware-houses, &c.; may appoint and remove servants &c. and generally manage the concerns of the Association, subject to Bye-laws &c; may keep seal.; but seal not to be used without the consent of* 3 *Directors who shall sign instrument.*

22. *Directors may call on Proprietors to pay such sum as, together with previous payments shall amount to 50 per cent. on such share. Further calls to be made only under authority of general meeting.*

23. *Interest at the rate of 10 per cent. to run on each call. Dividend may be applied in satisfaction of unpaid calls.*

24. *Directors may refuse to register transfer, by person who has not paid his instalment. Shares may be sold to satisfy calls. Purchaser to have a new Certificate.*

25. *Act XXV. of 1836 to extend to Warehouses of this Association.*

26. *Association may give a general security by Bond for payment of duties on goods in its Warehouses.*

27 *Directors may fix rate for receiving goods.*

28. *Secretary to give a warrant to the person lodging goods. Warrant to be transferable by indorsement.*

29. *Suits against the Association to be brought only in the Supreme Court.*

30. *The Joint Stock of the Association to be personal estate and in the nature of chattel interests, and not real estate.*

31. *Individual Members not to be liable, but only the property of the Association.*

32 *Association may make Bye-laws, subject to approval of two extraordinary general meetings.*

33. *The Association may increase its Capital Stock, by vote of two extraordinary general meetings.*

34. *If Stock is increased, original proprietors not bound to subscribe, but to have the option. Stock not taken by original proprietors, to be sold for the benefit of the Association.*

35. *All rules respecting original Stock, to apply to increased Stock.*

36. *East India Company shall have right of pre-emption, in case Association dispose of property purchased from East India Company. Price to be fixed by 2 appraisers.*

37. *Governor General in Council may after 14 March, 1860, direct Association to be dissolved.*

38. *Two thirds in number and value of proprietors of Stock may dissolve the Association, at 2 extraordinary meetings, held at intervals of 3 months.*

39. *Wherever dissolution takes place, the property of the Association shall be converted into money, and divided, and thereupon the Association shall be dissolved.*

Schedule 1. *List of Proprietors.*
2. *Warrant of Deposit.*

Amended by Act V. 1854.

1. It is hereby enacted, that the persons whose names appear in the Schedule No. 1. hereunto annexed, shall, from the 14th day of March, 1838, form a corporate body for the Warehousing of Goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said Association shall sue and be sued by its corporate name, and shall use such common seal as the Directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 Rupees subscribed for the purpose of the said Association by the persons hereby incorporated, shall be the Capital Stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and that every one of the persons hereby incorporated shall have one share of such Capital Stock for every 500 Rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the Directors of the said Association shall cause the names, additions, and places of residence of the proprietors of Shares in the said Capital Stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate signed by three Directors of the said Association shall be delivered to every proprietor of the said Capital Stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares or several certificates, each of which may be for any number of those shares.

VI. And it is hereby enacted, that any share or shares of the said Capital Stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a Registry to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certi-

ficate under the hand of an officer appointed for that purpose by the Directors of the said Association.

VII. And it is hereby enacted, that every proprietor of a share of the said Capital Stock who shall cease to be a proprietor of such Stock, shall cease to be a member of the corporation created by this Act; and that every person who shall become a proprietor of the said Capital Stock, shall become a member of the corporation created by this Act; and shall, in respect of his share or shares of the said Capital Stock, be under the same liabilities under which an original proprietor of the said Capital Stock would be.

VIII. And it is hereby enacted, that the business of the said Association shall be managed by six Directors; and that Francis Macnaghten, Joseph Walker, Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esquires, shall be the first Directors of the said Association.

IX. And it is hereby enacted, that every Director of the said Association may be removed by a general meeting of the proprietors, and that every future Director of the said Association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of proprietors shall be held, at which two Directors shall be chosen and that no Director going out by such rotation shall b capable of being re-elected, till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted, that if any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors for the purpose of choosing a successor, and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

XII. Repealed by Act V. 1854, s. 1.

XIII. And it is hereby enacted, that no person shall be capa-

ble of being a Director of the said Association, unless he be resident within the territories subject to the Presidency of Fort William in Bengal.

XIV. Repealed by Act V. 1854, s. 1.

XV. And it is hereby enacted that any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general meetings of the said Association shall be held according to such rules as may be made for that purpose in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at general meetings of the proprietors, every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

XVIII. And it is hereby enacted, that at such general meetings, no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale:

2 Shares shall entitle to	1 Vote.
4	2 ditto.
6	3 ditto.
10	4 ditto.
20	6 ditto.
35	7 ditto.
50	8 ditto.

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said Capital Stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would be received.

XX. And it is hereby enacted, that every proprietor entitled

to vote at any general meeting, may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor; and that the proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the Directors of the said Association shall have authority to expend the money of the said Association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding Goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the seal of the said Association, and to use the said seal in the affairs of the said Association, provided always that the said seal shall never be affixed to any instrument except in the presence and by the consent of three Directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that the Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always that no proprietor shall be called upon to pay more in proportion to his share in the Capital Stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last Section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said Association.

XXIV. And it is hereby enacted, that it shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said Directors to such proprietor, or to his attorney or attorneys duly authorized, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor, to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall, till demand, be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor General of India in Council, relating to private licensed Warehouses, shall be applicable to all warehouses wherein the said Association shall receive bonded Goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said Association to give general security, by bond, under the seal of the said Association, for payment of the full duties of importation on Goods lodged in any Warehouse of the said Association, or for the due exportation of such Goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the Directors of the said Association shall, from time to time, fix the rates at which the said Association will Warehouse Goods and receive Goods at its wharfs, and that a table of such rates shall be placed at every Warehouse and wharf of the said Association.

XXVIII. And it is hereby enacted, that as often as any Goods are lodged in any Warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him as such Secretary, to the person lodging such Goods, which

warrant shall be, as nearly as possible, in the form set forth in Schedule II annexed to this Act, and such warrant shall be transferable by endorsement, and shall entitle any person to whom it may have been so transferred by endorsement, to receive the Goods specified in such warrant, on the same terms on which the person who originally lodged those Goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal and not elsewhere.

XXX. And it is hereby enacted, that all the Joint Stock of the said Association of what kind or description soever, and all the Land, Wharehouses, Messuages, Tenements, Hereditaments, Premises and Property acquired therewith, of which the said Association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as Personal Estate, or as in the nature of Chattel Interests, and not as, or in the nature of, Real Estate.

XXXI. And it is hereby enacted, that in order to define the liability of Proprietors of shares, and to save harmless themselves and their respective Heirs, Executors, Administrators, Representatives, and Assigns, no Proprietor, his Heirs, Executors, Administrators, Representatives or Assigns, shall be personally liable to any person or persons whatsoever by reason of being a Proprietor in any event, or for or on account of any acts, deeds, contracts, or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment, or decree from and out of or to the whole extent of the paid up Capital, accumulated Funds, Lands, Messuages, Tenements, Hereditaments, and Premises whatsoever, and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

XXXII. Repealed by Act V. 1854, s. 1.

XXXIII. And it is hereby enacted, that it shall be lawful for

the said Association to increase its Capital Stock; provided always that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the Proprietors of the original Stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased Capital Stock in proportion to the share which each has of the original Capital Stock; and so much of the additional Capital Stock as shall not be subscribed for by the said Proprietors of the original stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said Association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act respecting the original Capital Stock of the said Association, shall be applicable to any additional Stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. Repealed by Act V. of 1854, s. 1.

XXXVIII. And it is hereby enacted, that the said Association may at any time be dissolved by a resolution to that effect of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said Association shall be ordered either by the Governor General of India in Council, or by a vote of the said Association, the Directors of the said Association shall cause all the pro-

perty of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the dedts of the said Association among the proprietors in proportion to the shares which the proprietors have in the Capital Stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

SCHEDULE No. I.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.
W. Speir.
W. Martin.
R. Speir.
T. Speir.
J. S. Brownrigg.
J. Cockerell.
G. G. de H. Larpent.
J. St. Pourcain.
J. M. Dove.
Gungapersaud Gossain.
Ramchunder Seal
J. Willis.
W. Earle.
D. Willis.
T. Willis.
J. Master.
G. C. S. Master, Lieut.
Trustees of Mrs. Limond's Marriage Settlement.
J. W. J. Ouseley, Captain.
G. A. Prinsep.
W. Barrington, Captain.
T. C. Robertson.
Ramdas Dey.
Bonomalee Mullick.
A. Muller.
Charles Trebeck.
T. Bowring.
J. W. Alexander.
T. B. Swinhoe.
Robert Swinhoe.
A. Dobbs.
John Watson.
James Colquhoun.
James Church.
Edward Harding.
Henry Moore.
R. Watson.
Mrs. B. Betty.
Henry Mackenzie.
Adam Scott and Co.
Holodhur Chowdry.
Charles S. Gover.
K. R. Mackenzie.
S. R. Crawford.
T. A. Shaw.
W. A. Shaw.
H. Walters.
J Innes.
W. Adam.
Joseph Worthington.
James Cullen.
J. C. Palmer.
A. Colvin.
W. Ainslie.
H. Cowie.
T. S. Anquetil, Lt.-Col.
W. H. Martin.
A. Irvine, Major.
W. A. Peacock.
J. A. Moore, Major.
T. W. Burt.
William Braddon.
Francis Macnaghten.
Carr, Tagore and Co.
W. Carr, Trustee for Mrs. Dick's Marriage Settlement.
Robert Lyall.
Charles Lyall.
John Lyall.
David Lyall.
W. T. Dawes.
Colville, Gilmore and Co.
Alexander Rogers.
J. H. Crawford.
A. Porteous.
J. Mackey & Co.
James Mackenzie.
P. J. Sarkies.
G. Collier.
R. Bird.
J. Ranken, M. D.
Brijobullub Doss & Gocul Doss.
A. S. Stopford.
A. Beattie.
Wilson, Frith and Co.
G. C. Arbuthnot.
A. Jackson.
A. S. Gladstone.
J. Craigie, Lieut.-Col.
J. Williams.
J. B. Higginson.
Megnarain Roy.
Ramnarain Mookerjee.
Doorgachurn Mookerjee.
Gowrichurn Mookerjee.
I. B. Biss.
J. S. Biss.
Rogoonath Coondo.
W. F. Gibbon.
J. Cock.
H. F. King.
James Hill.

SCHEDULE No. I.—(CONTINUED.)

LIST OF PROPRIETORS OF SHARES.

Taraneechurn Chatterjee.
G. Herklots, Junior.
F. O. Wells.
C. Lancaster.
C. Lancaster, Trustee for Mrs Cornish's Marriage Settlement.
George Dougal.
John Richards.
Bruce, Shand and Co.
G. W. A. Lloyd, Lt.-Col.
W. Freeth, Captain.
J P. Marcus.
Mrs. Bruce.
Miss L W. Bruce.
Joseph Bruce.
Charles C. Bruce.
Debnarain Day.
William Bruce, Trustee for Mrs. Col. Lloyd.
W. Ryland.
M. Hughes, Captain.
Annundchunder Mitter.
J. A. Walker.
T. Hyde Gardiner.
J. C. Owen.
Moheshchunder Mitter.
Prawnkisto Doss.
Conai Lal and Mukun Lal.
J. Rostan, Junior.
J. H. Rostan.
Madobchunder Sandell.
Dyalchaund Bysack.
Gopeckissen Paul.
Ditto ditto, for Mrs. A. G. Glass.
Ditto ditto, for E. B. Squire, Junior.
Doorgachurn Bose.
Rajkissore Lahory.
Gourmohun Coondoo.
S. Hornby.
Hurrischunder Bose.
Ramsoonder Mullick.
Rajchunder Ghose.
Radanauth Dutt.
H. Barrow.
Godadhur Mitter.
E. D'Cruz.
Goluckchunder Dur.
Luckinarain Day.
T. Blechynden.
W. Rushton.
A. J. Sturmer.
Boloram Day.
Obhoychurn Mookerjee.
Bolychaund Bysack.
Mrs. Sarah Moss.
W. Barrett.
Hurrimohun Mookerjee.
Mohunchunder Ghose.
Horrimohun Banorjee.
Kistnomohun Seal.
Hurrochunder Bose.
W. Stacy.
J. George.
Mrs. C. Shelverton.
C. Shelverton.
Cassinauth Banorjee.
P. S. D'Rozario
J. D' M. Sinaes, in Trust for Miss J. F. Speed.
Gorachaund Bose.
J. E. Dunn.
D. W. H. Speed.
Rajkissen Dey.
Jomejoy Bhose.

SCHEDULE No. II.

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION.

I do hereby Certify that have deposited in the Warehouse of the Associaton, the undermentioned Goods which Goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said or their Assigns, or to the holder of this warrant to whom it may be transferred by indorsement.

——— *Secretary.*

BOMBAY.—JUDICIARY.

ACT No. VI. OF 1838.

[*Passed on the 19th March,* 1838.

Governor in Council may authorize Commission of inquiry into charge of malversation against any public servant, to summon witnesses, administer oath, examine, &c.

Repealed by Act XXXVII. 1850.

Repealed by X 07/61

BENGAL.—JUDICIARY.

ACT No. VII. OF 1838.

[*Passed on the 23rd April,* 1838.

Judge of Zillah or City Court may exercise the powers vested in a Single Judge of the Sudder Dewanny Adawlut by Clause 2, Section 2, Regulation IX. of 1831.

Repealed by the Code of Civil Procedure Act VIII. 1859, except as to the non-Regulation Provinces,

It is hereby enacted, that it shall be lawful for a Judge of any Zillah or City Court, within the territories subject to the Presidency of Fort William in Bengal, to exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II. Regulation IX. of 1831 of the Bengal Code. [Extended to P. S. Ameens by Act XXVI. 1852.]

BOMBAY.—TOLLS.

ACT No. VIII. OF 1838.

[*Passed on the 23rd April,* 1838.

1. *Rates of toll levied at the Bhore Ghaut on Palanquins, &c.*
2. *Act II.* 1837 *to apply to tolls under this Act.*

Repealed by Act VIII. 1857.

BOMBAY.—FINES.

ACT No. IX. OF 1838.

[*Pased on the 30th April*, 1838.

Sessions Judges in imposing a fine, may award part of it, as a compensation to the party injured.

It is hereby enacted, that from the Fifteenth day of May 1838, it shall be competent to the Session Judges within the Presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines, under Clause 1st, Section XIII. Regulation XII. of 1827 of the Bombay Code.

KUMAON.—JURISDICTION.

ACT No. X. OF 1838.

[*Passed on the 30th April*, 1838.

1. *Repeals Regulation* 10, 1817, *of Bengal Code*

2. *Functionaries in Kumaon may be placed under control of Courts of Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, at Allahabad, in Civil, Criminal and Revenue cases respectively.*

I. It is hereby enacted, that Regulation X. 1817, of the Bengal Code, be repealed.

II. And it is hereby enacted, that the Functionaries who are or may be appointed in the Province of Kumaon, be henceforth placed under the control and superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut at Allahabad, in Criminal Cases of the Court of Nizamut Adawlut at Allahabad, and in Revenue Cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions, as the said Functionaries may have received, or may hereafter receive, from the Government of the North Western Provinces of the Presidency of Fort William.

BENGAL.—AMEENS.

ACT No. XI. OF 1838.

[*Passed on the 14th May*, 1838.

1. *Repeals Section 15, Regulation XIX. of 1814.*

2. *The Sudder Board of Revenue at Calcutta with the Sanction of the Governor of Bengal, and the Sudder Board of Revenue at Allahabad, with the sanction of the Lieut. Governor in the North Western Provinces may fix the remuneration for effecting a partition of an estate, and to cause the same to be levied as an arrear of Revenue.*

I. It is hereby enacted, that Section XV. Regulation XIX. of 1814, of the Bengal Code be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the Functionary exercising the Authority of Government in the North Western Provinces, to fix the remuneration of an Ameen, or other person employed to effect a partition of an Estate under the Regulations enacted for that purpose, and to cause the same to be levied from the parties concerned in the same manner as an arrear of Revenue, at such periods, and in such proportions, as the said Boards may severally think fit.

MADRAS.—HIDDEN TREASURE.

ACT No. XII. OF 1838.

[*Passed on the 21st May*, 1838.

Powers vested in Zillah or Assistant Judges to be vested in Principal Sudder Ameen, in respect of hidden treasure, subject to same rules as applied to powers of former Judges.

It is hereby enacted, that from the First day of July, 1838, all powers vested by Regulation XI. of 1832, of the Madras Code, in Zillah or Assistant Judges, shall be vested in every Principal Sudder Ameen within the Territories subject to the Government of the Presidency of Fort St. George, in respect of all hidden Treasure of any of the kinds specified in Section II. of that Regulation, which may be found within his jurisdiction; and all rules applicable to Zillah or Assistant Judges, shall be applicable to every such Principal Sudder Ameen, in respect of such Treasure.

BENGAL.--JUDICIARY

ACT No. XIII. OF 1838.

[*Passed on the 21st May*, 1838.

1. *The Governor General in Council may extend Regulation XII. of* 1833 *to the Court of any Principal Sudder Ameen, Sudder Ameen, or Moonsiff.*

2. *The Governor General in Council, may delegate this power to the Governor of Bengal, and to the Lieutenant Governor of the N W. Provinces*

Repealed by Act I. 1846.

MADRAS.--ABKARREE REVENUE.

ACT NO. XIV. OF 1838.

[*Passed on the 16th July*, 1838.

The Governor in Council may extend Regulation 3, 1820, *and* 9, 1831, *to the Articles of Ganjah and Bang. No person without a licence, to have more than one half viss.*

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III. of 1820 and IX. of 1831, to the Articles of Ganjah and Bang:—the quantity of Ganjah and Bang, which each person shall be allowed to have in possession without a licence, within the limits specified in any such order, shall not exceed one half viss.

BOMBAY.

ACT No. XV. OF 1838.

[*Passed on the 16th July*, 1838.

Repeals Clause 1, *Section* 35, *Regulation* 12, 1827.

It is hereby enacted, that Clause 1, Section XXXV. Regulation XII. of 1827, of the Bombay Code, be repealed.

BOMBAY.—JUDICIARY.

ACT No. XVI. OF 1838.

[*Passed on the 23rd July*, 1838.

1. *(1.) All suits in regard to tenures, and the interests connected therewith, and all suits respecting the right to possession of land or of the wuttuns of hereditary Officers, &c. shall be brought in the Courts of Adawlut, and not in Revenue Courts.*

(2.) But Revenue Courts may give possession of lands, &c. and all profits arising therefrom, to party dispossessed, provided application be made in 6 months after dispossession, but without prejudice to the right.

(3.) Saves the jurisdiction of the Revenue Courts under Clauses 3, 4, 5 of Section 31, Regulation 17, 1827.

2. *If Judge or Collector doubts his jurisdiction, he may refer to the Court which he deems to have jurisdiction, and the latter may refer to the Sudder Dewanny Adawlut whose decision shall be final*

3. *Subordinate Courts doubting their jurisdiction shall refer to their immediate superior, and the superior to the next higher Courts as in last Section.*

4. *Sudder Dewanny Adawlut may refer to the proper Court proceedings which have been taken in a Court not having jurisdiction.*

5. *If suit is brought in a wrong Court the appeal Court shall not quash all the proceedings, but only annul the decree, and refer the suit to the proper Court. New stamps necessary only on new exhibits.*

6. *Original suits and appeals on subjects enumerated in Clause 1, Section 1, of this Act, depending in Revenue Courts, shall be transferred to Courts of Adawlut, &c.*

I. *Clause 1st.*—It is hereby enacted, in modification of the Rules contained in Chapter VII. Regulation XVII. of 1827, of the Bombay Code, that in the Territories subject to the Presidency of Bombay, all Suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all Suits in which the right to possession of land, or of the wuttuns of hereditary district or village Officers is claimed, shall be brought in the Courts of Adawlut and the Courts subordinate thereto, and not in the Courts of Revenue.

Clause 2nd.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, Premises, Trees, Crops, Fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party with-

in six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession;—and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a Court of Adawlut.

Clause 3rd.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in clauses 3, 4, and 5 of Section XXXI. Regulation XVII. of 1827, of the aforesaid Code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a Suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction, the party presenting such Suit shall be referred by the Court in which it may be first presented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a Suit be presented in any Court subordinate to the Court of a Judge or Collector, which Suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is subordinate, and if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case, and if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding Section.

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a Suit in which it has not jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the Judge or Collector, (as the case may be,) or on application from the parties, to direct that the Suit be transferred, with all the proceedings which may have taken place therein up to the period of

transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the Suit had been originally filed in that Court.

V. And it is hereby enacted, that when any Court trying an Appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the Appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the Suit to be tried in the Court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits if any such should be allowed to be filed; and the Court trying any such case referred under the foregoing Section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an Appeal be made from such new decree by the party originally bringing the Appeal, then the decree of the Court trying such new Appeal shall be passed without the cost of a new stamp on the petition of Appeal to that party.

VI. And it is hereby enacted, that all original Suits and Appeals relating to any of the subjects enumerated in Clause 1st Section I. of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of Appeal may now be open, the Appeal shall be brought to the Court to which, under the Rules of this Act, such Appeal shall lie.

Repealed by X 7/61

MADRAS.—JUDICIARY.

ACT No. XVII. OF 1838.

[*Passed on the 13th August*, 1838.

1. *The Zillah Judges, Assistant Judges of Auxiliary Courts, and Principal Sudder Ameens may receive Summary Appeals from District Moonsiff's order, in certain specified Cases.*

2. *Clauses 5 and 6, Section 5, Regulation* 15 *of* 1816, *regarding Summary Appeals shall apply to Appeals under this Act.*

Repealed by the New Code of Civil Procedure Act VIII. 1859, except as to the Non-Regulation Districts.

I. It is hereby enacted, that from the First day of September 1838, it shall be competent to the Zillah Judges, the Assistant Judges of Auxiliary Courts, and the Principal Sudder Ameens in the Territories subject to the Presidency of Fort St. George, to receive a Summary Appeal from the Orders or Decrees of the District Moonsiffs stationed within their respective jurisdictions, in cases in which such District Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the Provisions contained in the Fifth and Six following Clauses of Section X. Regulation XV. of 1816, of the Madras Code, regarding Summary Appeals, shall apply to the Summary Appeals preferred under the authority of this Act.

BOMBAY.—SURETIES.

ACT No. XVIII. OF 1838.

[*Passed on the 20th August*, 1838.

1. *Security in form A, shall be taken by Collector &c. from Officer employed under him not being a Covenanted Servant or Commissioned Officer of East India Company.*

2. (1.)—*Sureties jointly and severally liable, notwithstanding proceeding against Principal.*

(2.) *Surety liable only to extent of loss or damage sustained by Government by default of Principal.*

(3.)—*Surety not to be liable to summary imprisonment in default of producing public papers or property, provided he pays penalty of Bond.*

3. *Collector, &c. under sanction of Superior Revenue Authority, may demand additional security.*

4. *Surety may withdraw from suretyship: his responsibility to cease sixty days after his withdrawal, as to all subsequent demands against his Principal.*

5. *Liability of Surety not to be affected by death of Principal, or by his appointment to a situation different from that which he held when the Bond was executed.*

6. *Liability of Surety to commence from time of appointment of Principal, or form date at which former Bond was cancelled.*

Schedule A. form of Bond.

I. It is hereby enacted, that from the First day of October next, in addition to the security authorized to be taken by Section

XII. Regulation XVI. 1827, of the Bombay Code, it shall be lawful for every Collector or other Principal Officer entrusted with the collection or management of the Revenues of Government, in the Territories subject to the Government of the Presidency of Bombay, to require security of one or more individuals in the Form of Schedule A, from any Officer employed under him, not being a Covenanted Servant or Commissioned Officer of the East India Company.

II. *First.* And it is hereby enacted, that the surety or sureties of such Officer as is aforesaid, who may enter into a Bond of the Form Schedule A, shall be liable to be proceeded against jointly and severally in the same manner as his or their Principal is liable to be proceeded against, in case of default, and notwithstanding such Principal may be so proceeded against.

Second. Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the Principal, as the amount which may be due from such surety or sureties under the terms of the Security Bond executed by him or them.

Third. And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the Collector's treasury, the whole or such part of the penalty named in the Bond as may be demanded.

III. And it is hereby enacted, that the Collector or other Officer as aforesaid may at any time after security has been given, the sanction of the Superior Revenue Authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety, whether under a separate or joint Bond may withdraw from his suretyship at any time on his stating, in writing, to the Officer to whom the Bond has been given, that he desires so to withdraw; and his responsibility under the Bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his Principal concerning monies, papers, or accounts for which his Principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a Principal, or by his

appointment to a situation different from that which he held when the Bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the Bond, and such date shall be that of the appointment to the situation which the Principal is declared in the Bond to hold, or that from which any former Security Bond has been cancelled, or any other specific date which the Officer requiring such security may determine, and the party or parties executing the Bond shall agree to.

SCHEDULE A.

FORM OF BOND.

I, A. B., (we A. B. and C. D.) do hereby become security on the part of E. F., holder of the Office of ——— in the Collectorship of———and bind myself (ourselves severally and jointly) to make good all demands for public money, public papers and accounts, and all other property appertaining to Government, which may have arisen from the date from which this Bond is to take effect as hereinafter mentioned, and which may arise during such period as this Bond may continue in force against the said E. F., and on failure to produce public accounts, papers, or other property appertaining to Government, not being money, I (or we) agree to forfeit such sum not exceeding (10,000 Rs. or as the case may be) as the Collector (or other Officer as the case may be) may deem proper.

This Bond is to have effect from the date of appointment of the said E. F. (or as the case may be).

Executed this ———day of———in the year of———.

Witnesses.

(Signature of Security.)

BOMBAY.—COASTING VESSELS.

ACT No. XIX. OF 1838.

[*Passed on the 27th August*, 1838.

1. *Repeals Sections* 20, 21, *Regulation* 20, 1827.

2. *Rules to be in force with respect to coasting and fishing vessels and harbour craft belonging to Her Majesty's subjects.*

3. *Every such vessel, &c. to be marked or branded, &c. with number, &c. in English figures and letters, &c.*

4. *Name, number and burden to be registered. Who is to make registry. Fresh registry to be made, if number &c. is changed.*

5. *Owners to apply for registry. Registering Officer of subordinate port, to give information of registry, to Master Attendant at Bombay.*

6. *The duty of marking or branding, &c shall be performed by the Master Attendant at Bombay, and by the Collector at other places.*

7. *Owner of vessel shall apply for a certificate of registry, which shall be in form in Schedule specified.*

8. *Certificate shall be sealed with seal of East India Company, and signed by registry officer.*

9. *Registration Act to take effect from 1st November,* 1838.

10. *Fees to be paid for Certificates of registry.*

11. *Fees to be accounted for and carried to the credit of the Government.*

12. *Certificate to be produced on demand to any Officer of Customs or of the Indian Navy.*

13. *Fines payable on infraction of the above regulations.*

14. *Governor in Council may direct compensation for trouble in making seizures under this Act.*

15. *Certificate from Marine Pay Master or Boat Master shall not be required to enable a boat to obtain port clearance Schedule. Form of Certificate.*

I. It is hereby enacted, that from the First day of November, 1838, Sections XX. and XXI. Regulation XX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that from the said First day of November, 1838, the following rule shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the Presidency of Bombay, and employed on the coasts of the territories subject to the Government of Bombay, or in trading coastwise, as also with respect to fishing vessels and harbour craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same, by the officer authorized to make such registry as is hereinafter mentioned, and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground, on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel, employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book, to be kept for that purpose, by the person hereinafter directed to make such registry. At Bombay, such registry shall be made by the Master Attendant, and at other places within the said territories, by the Collector of Sea Customs at such places respectively, or by such other person, as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed, as aforesaid, fishing vessel or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid. And whenever such vessel employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master Attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the Master Attendant; and at all other places within the territories subject to the Government at Bombay, the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, shall be performed by the Collector of Sea Customs at such places respectively; or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively in the execution of this Act.

VII. And it is hereby enacted, that the owner or owners of

every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act: and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner, and on payment of the fees hereinafter mentioned.

VIII. And it is hereby enacted, that such certificate of Registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with:—the registrations with respect to fishing vessels and harbour craft, to take effect from the First of November, 1838.

X. And it is hereby enacted, that the owner or owners of such vessels, employed as aforesaid, (fishing vessels and harbour craft being excepted,)—on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of, ... 1 Re.

For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen, 5 Rs.

For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen, ... 7 Rs.

And for each certificate for a vessel of 100 tons, or greater burthen, per ton, ... 2As.

XI. And it is hereby enacted, that the person or persons so authorized to make such Registry as aforesaid, shall receive the fees payable for the same, and shall pay such fees to such Officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the Government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any Officer of the customs within the said territories, or by any Officer of the India Navy, the certificate so directed to be applied for

and obtaind, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects, as hereinbefore directed; or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed; the owner or owners of every such vessel employed as aforesaid, shall be subject to a fine of ten-times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable, and the owner or owners of any such fishing vessel, or harbour craft, shall be subject to a fine of ten Rupees; which fine may be recovered on conviction before any Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate having jurisdiction within the said territories by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle and apparel, and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel or harbour craft, guns, furniture, tackle, ammunition and apparel, as last mentioned to be made out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

XV. And it is hereby enacted, that from the First day of November, 1838, a certificate from the Marine Paymaster at Bombay or from the Boat Master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom House of Bombay.

SCHEDULE.

This is to certify that ——— (here insert the names, occupation, and residence of the owners) having declared, that (he or they) are sole owner or owners of the vessel (fishing vessel or harbour craft) called (the name) which is of the burthen of (number of Bombay candies) and that the said vessel (fishing vessel or harbour craft) was (where and when built) the said vessel (fishing vessel or harbour craft) has been duly registered at the port of (name of port). Certified ur ' ıy hand. (Signature of Officer.)

POST OFFICE.

ACT No. XX. OF 1838.

[*Passed on the 27th August*, 1838.

1. *Repeals Section* 8, *Act XVII.* 1837.

2. *On line of road having no Bhangee Post, letters and packages exceeding* 12 *and not exceeding* 40 *Tolas, may go by Letter Post under rules specified in Act.*

3. *Packets exceeding* 40 *Tolas may be forwarded or not at discretion of Post Master subject to rules aforesaid.*

4. *No packet brought for despatch by Banghee Post shall be returned on the ground that Bhangee Post has not been laid for the whole distance.*

5. *Any person wilfully certifying on any letter what is not true, for purpose of defrauding Post Office Revenue, shall be fined* 50 *Rupees.*

6. *Penalty* 50 *Rupees for sending any Packet under Provisions of this Act of the description mentioned in Table* 2, *Schedule A, Act* 17, 1837, *&c.*

7. *Same penalty for sending under the Provisions of this Act any Packet of the description mentioned in Table* 3, *Schedule A, Act* 17, 1837.

8. *All fines incurred under Post Office Acts, shall be demanded by notice from Post Master General or from any Post Master, and if not paid, shall be levied together with costs on Goods and Chattels. If no Goods, offender may be committed to prison for* 22 *calendar months, unless fines &c. sooner paid.*

9. *Post Master may detain any letter in respect of which any party shall be liable to a fine.*

Repealed by Act No. XVII. 1854.

SILVER COINAGE.

ACT No. XXI. OF 1838.

[*Passed on the 27th August*, 1838.

1. *The Governor General in Council in his executive capacity may direct the coinage of Silver Coins of a value represented in even sixteenths of the Company's Rupee.*

2. *Act No. XVII. of* 1835, *and No. XXXI. of* 1837 *respecting the devices, inscriptions, and embellishments of Coins issued under Act XVII. of* 1835, *shall apply to the Coins issued under this Act.*

I. It is hereby enacted, that it shall be lawful for the Governor General of India in council, in his executive capacity, to direct the Coinage and issuing of any Silver Coins, of a value represented in even annas or sixteenths of the Company's Rupee, provided they be of the same standard as that prescribed for such Rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1805 and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the Coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the Coins which may be coined and issued by virtue of this Act.

BENGAL.—JUDICIARY.

ACT NO. XXII. OF 1838.

[*Passed on the 10th September*, 1838.

1. *Zillah and City Judges may receive a Summary appeal from the orders or decrees of Moonsiffs, if they have refused to admit any suit cognizable by them or have dismissed it for delay, informality or other default, without investigation of the merits.*

2. *Clauses* 5 *and* 6 *of Section* 3, *Regulation XXVI. of* 1814, *and Section* 2, *Regulation XII. of* 1833, *and Section* 7, *Regulation IX. of* 1831, *shall apply to the summary appeals preferred under this Act.*

Repealed except as to the non-Regulation Provinces by the New Code of Civil Procedure (Act VIII. 1859.)

I. It is hereby enacted, that from the First day of October 1838, it shall be competent to the Zillah and City Judges, in the territories subject to the Presidency of Fort William in Bengal to

receive a Summary Appeal from the orders or decrees of the Moonsiffs subordinate to them, in cases in which such Moonsiffs may have refused to admit any suit regularly cognizable by them or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the Fifth and Sixth following Clauses of Section III. Regulation XXVI. of 1814, and Section II. Regulation XII. of 1833, and Section VII. Regulation IX. of 1831 of the Bengal Code, shall apply to the Summary Appeals preferred under the authority of this Act.

MADRAS.

ACT No. XXIII. OF 1838.

[*Passed on the 17th September*, 1838.

Repeals part of Section 3, Regulation 4, 1831, and makes grants therein mentioned liable to attachment and sequestration.

It is hereby enacted, that so much of Section III. Regulation IV. of 1831 of the Madras Code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of Court whatever.

BANK OF BENGAL ACT.

ACT No. XXIV. OF 1838.

[*Passed on the 24th September*, 1838.

Repealed by Act No. VI. of 1839.

It is hereby enacted, that Section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the Capital Stock of the Bank of Bengal shall not exceed seventy-five Lakhs of Rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council whenever he shall see fit from time to time by an Order to be notified in the *Calcutta Gazette*, to authorize the Capital Stock of

the said Bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital as to him may seem fit, giving due notice to the Proprietors of the said Bank for the time being and allowing to them a period of not less than eighteen months to fill up such subscription.

III. And it is hereby enacted that whenever such increase of Capital Stock of the Bank of Bengal shall be ordered by the Governor General of India in Council, the Proprietors entitled to share therein, shall not be debarred of the right to subscribe for the new Stock in the proportion of the shares they may be legally holding by reason of any limit to the quantity of Stock which a single Proprietor may hold that may be imposed by the Provisions of the Charter of the Bank, or by any Clause or Provision contained in Act No. XIX. of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, when he shall direct an increase to be made of the Capital Stock of the Bank of Bengal to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of Stock represented by such share, and after subscription made at any time within the period of notice prescribed in Section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the Capital Stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new Capital that may not be subscribed for by Proprietors within the period of eighteen months so specified, shall be sold by Auction by an Officer of the Bank for the benefit of the said Bank, on some early date, after the close of such period, and that the proceeds of such sale shall be at the disposal of the Proprietors of the Bank by Resolution duly passed at their General Meetings, any thing in the existing Charter of the said Bank regarding the method of taking the subscriptions of new Capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council at the time of ordering any increase of the Capital Stock of the Bank of Bengal to reserve the portion of such increase that may belong to Government by reason of its share of the Capital of the said Bank, and to fix any date within the period of eighteen months above specified, as that before which it shall be finally declared whether the Government will take the share of new Stock to which it is so entitled or will refuse the same, and in case of refusal by Government to take its share of new Stock, such Stock shall not be sold on account of the Proprietors at large, as above provided for Stock not subscribed for by other Proprietors, but the amount to which the Government may be so entitled shall not be raised, and if the Government shall determine to subscribe for the share of new Capital to which it is entitled, it shall be lawful for the Governor General of India in Council either to retain the same or to order the sale of such new Stock or any portion thereof on account of Government in such manner and at such times as to him may seem fit.

WILLS ACT.

ACT No. XXV. OF 1838.

[*Passed on the 8th October*, 1838.

1. *Interpretation Clause.*

2. *Repeals Statutes* 32. *H.* 8, *Cap* 1; 34 *and* 35, *H.* 8, *Cap.* 5; 10 *Car.* 1, *Sess.* 2, *Cap.* 2, (1); *Sections* 5, 6, 12, 19, 20, 21, 22 *of the Statute of Frauds*, 29, *Car.* 2, *Cap.* 3; 7 *W.* 3, *Cap.* 12, (1); *Section* 14. *of* 4 *and* 5 *Anne Cap.* 16; 6 *Anne Cap.* 10, (1); *Section* 9, *of* 14, *Geo* 2 *Cap.* 20; 25 *Geo.* 2, *Cap.* 6; 25 *Geo.* 2, *Cap.* 11, (1).

3. *Act to extend only to wills of persons whose property cannot be administered without Probate or Letters of Administration.*

4. *All property may be disposed of by Will, both real and personal, legal and equitable, by whatever title acquired, and whether corporeal or incorporeal, and of whatever tenure, and whether, in point of interest, present, contingent, executory or future; and also rights of entry of all kinds.*

5. *Will of infant invalid.*

6. *Will of married woman, except under power, invalid.*

7. *No will to be valid unless in writing signed at the foot or end thereof by testator or by other person in his presence, nor unless such signature be made or acknowledged by the testator in the presence of two or more witnesses present together, nor unless such witnesses subscribe the will in the presence of the testator. No form of attestation necessary.*

8. *Appointments by will, in exercise of any power, shall be valid if executed in above manner, but not otherwise*

9 *Publication of will not necessary.*

10. *Will not to be invalidated by reason of incompetency of person attesting it, to be a witness to prove the execution.*

11. *Devise, legacy, &c. to attesting witness of any will, or to wife or husband of attesting witness, to be null and void, and notwithstanding such devise, &c. such attesting witness may prove will.*

12 *Attesting witness of a will containing a charge in favor of attesting witness as a creditor, may prove execution of the will, notwithstanding such charge.*

13. *Executor of a will not incompetent to be a witness to prove it.*

14. *Will of man or woman to be revoked by subsequent marriage, except will of certain property, in exercise of power of appointment.*

15. *No will to be revoked on the ground of an alteration of circumstances.*

16. *Will or Codicil not to be revoked except as aforesaid, or by another will or codicil, or by the burning, tearing or otherwise destroying the same.*

17. *Obliteration, interlineation or other alteration made after execution of will to be of no effect, except so far as the words before the alteration are not apparent. Alteration must be signed by testator, and be attested.*

18. *That no will, &c. after being revoked shall be revived otherwise than by re-execution, or by new codicil. Will first partially and afterwards wholly revoked, and then revived, shall only be revived as to part last revoked, unless a contrary intention appear.*

19. *Acts not amounting to a revocation, done between the execution of a will and the death of testator, shall not prevent the will from operating as to testator's property at the time of his death.*

20. *Every will shall be construed to speak and take effect as if executed immediately before the death of the testator, unless a contrary intention appear.*

21. *If devise is incapable of taking effect by reason of death of devise in life time of testator, or by reason of its illegality, or otherwise, the property included in such devise shall pass by residuary clause.*

22 *General devise of real estate, and bequest of personal estate described in a general manner, shall operate as execution of any general power in testator to appoint, unless contrary intention appear.*

23. *Devise without words of limitation shall pass fee simple or other the whole interest of the testator unless a contrary intention appear.*

24. *How the words, "die without issue," "die without leaving issue," or other words importing a want or failure of issue shall be construed. Proviso, limiting the above construction.*

25. *Devise of real estate to trustee or executor shall pass fee or all the interest of the testator, unless a definite term is given expressly or by implication.*

26. *Trustee to take fee under devise of real estate, where the purposes of the trust may continue beyond the life of the first Cestui que trust.*

27. *If person to whom real estate is devised for an estate tail, &c. dies in life time of testator, leaving issue who would be inheritable under such entail, and is living at time of testator's death, such devise shall not lapse, but take effect, and how.*

28. *Child or other issue of testator to whom property is devised, &c. dying in life time of testator and leaving issue, if such issue is living at the death of testator, such devise, &c. shall not lapse but take effect, and how.*

29. *Notwithstanding this Act, any Soldier in actual Military Service, or Mariner or Seaman being at Sea, may dispose of his personal estate as he might before this Act.*

30. *This Act not to be construed to repeal Act* 20, 1837, *as to transmission of property.*

31. *This Act not to extend to wills made before* 1st *February* 1839, *nor to estate pur autre vie of person who died before that date. Will re-executed or revived by Codicil shall be deemed as made at the time of re-execution, &c.*

I. It is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "will" shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year [illegible] the reign of King Charles the Second, intituled, "An Act for taking away the Court of wards and Liveries, and

tenures *in capite* and by Knight's service and purveyance, and for settling a revenue upon His Majesty in lieu therof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of wards and Liveries, and tenures *in capite* and by Knight's service," and to any other testamentary disposition, and the words "real estate" shall extend to messuages, lands, rents and hereditaments whether corporeal, incorporeal or personal, and to any undivided share thereof and to any estate, right or interest (other than a chattel interest) therein, and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards and primer seisins, whereby a man may devise two parts of his land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and also an Act passed in the Parliament of Ireland in the tenth year of the reign of King Charles the first, intituled "An Act how Lands, Tenements, &c. may be disposed by will or otherwise, and concerning wards and primer seisins;" and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the seventh year of the reign of King William the Third, intituled "An Act for prevention of Frauds and Perjuries as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements or hereditaments, or any clause thereof, or to the devise of any estate *pur autre vie*, or to any such estate being assets or to nuncupative wills,

or to the repeal, altering or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise or bequest therein; and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice" as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed to have any operation within the territories of the East India Company, so much of an Act passed in the fourteenth year of the reign of King George the Second, intituled "An Act to amend the Law concerning common recoveries," and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of frauds and perjuries," as relates to estates *pur autre vie;* and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America," except so far as relates to His Majesty's colonies and plantations in America, and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates;" shall from the passing of this Act cease to have effect in the territories of the East India Company, except so far as the same Acts or any of them respectively relate to any wills or estates *pur autre vie* to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend to the wills of persons whose personal property cannot by the Law of England pass to their representatives without Probate or Letters of Administration obtained in one of Her Majesty's Supreme Courts of Judicature, and that the Statutes and parts of Statutes aforesaid are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every

person to devise, bequeath or dispose of by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in Equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the heir at law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator, and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created; or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates, interests and rights respectively, and other real and personal estates as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

V. And it is hereby enacted, that no will made by any person under the age of twenty-one years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned; (that is to say,) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator as the signature to his will or codicil in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary. *(a)*

(*a*) The following is the usual form of attestation, and is of this use, that in its absence the Court requires extraneous proof of the circumstances stated

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in manner hereinbefore required shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness. to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will any real or personal estate shall be charged with any debt or debts, and any credit, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such

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in the form :— "Signed by the above-named A. B. [the testator] in the presence of us present at the same time, who have hereunto signed our names as witnesses thereto, in the presence of the said A. B. [testator] and in the presence of each other."

Names of witnesses { C. D. / E. F.

creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV. And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions.)

XV. And it is hereby enacted, that no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

XVII. And it is hereby enacted, that no obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or

any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and shewing an intention to revive the same, and when any will or codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the life time of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will, and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner shall be construed to include any personal es-

tate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue" or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the life time or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise; provided, that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rent and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the

trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the life time of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the life time of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstanding anything in this Act contained, any Soldier being in actual Military Service, or any Mariner or Seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca transmitted by the last will of any person having a beneficial interest in the same is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the First day of February, in the year of our Lord 1839, and that every will re-executed or re-published or

revived by any codicil shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, republished, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the First day of February in the year of our Lord 1839.

MADRAS.—JUDICIARY.—SIRSEE.

ACT No. XXVI. OF 1838.

[*Passed on the 8th October*, 1838.

1. *Governor General in Council may direct all persons committed by Principal Sudder Ameen of Sirsee for trial before Court of Circuit for the Western Division, to be tried at the Sessions of Jail Delivery held at Honore.*

2 *The Governor in Council may direct persons committed by Principal Sudder Ameen for trial before Court of Circuit, to be tried at Sessions of Jail Delivery.*

I. It is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George to direct that all or any persons committed by the Principal Sudder Ameen of Sirsee for trial before the Court of Circuit for the Western Division of the Territories subject to that Presidency, shall be tried at the Sessions of Jail Delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George, to direct that all or any persons committed by any Principal Sudder Ameen for trial before the Court of Circuit shall be tried at any Sessions of Jail Delivery to be held at any Station within the Zillah to which the Court of such Principal Sudder Ameen may be attached.

BENGAL.—JUDICIARY.

Repealed by X of 1861

ACT No. XXVII. OF 1838.

[*Passed on the 22nd October*, 1838.

1. *Repeals so much of Clause* 1, *Section* 18, *Regulation* 5, *of* 1831, *as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party.*

2. *Suits in which the relatives or dependents of a Sudder Ameen are a party,*

and which the Zillah and City Judges cannot refer, may be transferred to another Zillah or City Court and by such Court be referred in the same manner as if it had been originally instituted in the Court of such Zillah or City.

I. It is hereby enacted, that so much of Clause 1, Section XVIII. Regulation V. of 1831 of the Bengal Code, as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above Clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the Zillah and City Judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Register, that the cognizance of such suit shall be transferred to any other Zillah or City Court subordinate to the same Court of Sudder Dewanny Adawlut—and the Judge of such other Zillah or City Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other Zillah or City.

SUPREME COURT.—PERJURY.

Repealed by Act VIII of 1868 in Straits Settlements

ACT No. XXVIII. OF 1838.

[*Passed on the 5th November,* 1838.

Any person convicted at Sessions of Oyer and Terminer or Jail Delivery, for Fort William &c. of Perjury, may be adjudged to be transported to such place as the Court shall direct, for life, or any term of years, or imprisoned not exceeding 4 years with or without hard labour, &c.

It is hereby enacted, that where any person or persons shall be convicted at any Sessions of Oyer and Terminer or Jail Delivery, that shall be holden for any of the Presidencies of Fort William, Fort St. George, the Presidency or Island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of Perjury, it shall be lawful for the Court, before which any person shall be so convicted, to order and adjudge such person to be transported

to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years, with or without hard labour and with solitary confinement for such portion or portions of the said term as such Court shall think fit, not exceeding one month at a time or three months within the period of one year. Provided, that it shall not be lawful for any such, Court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales or any of the Islands adjacent thereto.

BENGAL.—SALT DEPARTMENT.

ACT No. XXIX. OF 1838.

[*Passed on the 12th November*, 1838.

1. *Repeals Sections* 59, 60, 61, *Regulation* 10, 1819.

2. *Salt Agent having credible information that contraband Salt is stored in any warehouse, &c. without the necessary Ruwana, shall require such information to be in writing, or take deposition of informant, &c. What particulars to be recorded in information.*

3. *Salt charged as contraband in store exceeding one maund or mun, shall be liable to seizure. In what manner seizure to be made.*

4. *Salt Agents &c. accompanied by a Police Officer, may break open door of house, if not opened upon requisition.*

5. *Salt Agent, if unable to proceed in person to seize, shall send with informer a confidential Officer &c. not under rank of Jemadar &c. with search-warrant. Door of house &c. not to be broken except in presence of Salt Agent &c.*

6. *Head Officer of Salt Chokie &c. may receive information of Salt exceeding one maund being in store in same manner as Salt Agent, provided place of store be more than three kos from station of Agent.*

7. *Darogah not attending according to notice at a seizure of Salt, or refusing to act, or frustrating search, shall be fined to same amount as the owners of Salt would if Salt had been seized.*

8. *When necessary to break open house &c. the rules prescribed in Regulation* 20, 1817, *and Section* 10, *Regulation* 7, 1799, *shall be observed.*

9, 10. *Circumstances of seizure to be recorded by Salt Agent &c. and to be reported to superior Officer, when made by other than an Agent &c.*

11. *Salt not be seized unless more found than a maund or mun, and the owner, &c. is unable to account satisfactorily for his possession of it.*

12. *When Salt is seized as contrabund &c. the persons in charge of it may also be seized.*

13. *Salt Agents &c. having power to seize Salt may also stop and search boats &c. of a build adapted for sea navigation, within certain limits; Salt*

found thereon, vessel and crew may be detained and taken to nearest Officer competent to adjudicate.

14. *Modifies Section* 36, *Regulation* 10, 1819. *Gangs or companies of persons carrying unprotected Salt more than* 5 *seers for each person, shall be subject to penalties under above Regulation.*

15. *Modifies Section* 121, *Regulation* 10, 1819. *Persons fined for smuggling shall be imprisoned for six months, if fine not paid.*

16. *Modifies Section* 121, *Regulation* 10, 1819. *Persons sentenced under Sections* 31, 68, 70, *of Regulation* 10, 1819, *shall in like manner be liable to be imprisoned.*

17. *Person convicted of gang smuggling &c. after previous conviction &c. shall be punished by fine and imprisonment: for every conviction after second, punishment to be increased.*

18. *Salt Agent may distrain for balance due within the year, upon contract for the manufacture of Salt, and may exercise the same powers as are given to Zemindars and Sudder Farmers.*

19. *Any person preventing lawful arrest, or procuring release of offender; and any person found with Salt, resisting Officer, shall be punished according to Section* 56, *Regulation* 10, 1819.

20. *Officer making arrest, and neglecting to carry prisoner to proper Officer, or delaying to report the arrest, or releasing prisoner, or conniving at escape, shall, besides dismissal, be fined not exceeding* 200 *Rupees, and imprisoned not exceeding three months, and a further period of three months, if fine not paid.*

21. *Officer making arrest bound to carry party arrested to the Officer competent to try the case. No person arrested shall be released, until case has been brought to judgment.*

22. *Officer of Salt Department convicted of vexatiously and unnecessarily seizing goods or arresting any person, or stopping &c boat longer than necessary, shall, besides dismissal, be imprisoned* 6 *months, and fined not exceeding* 200 *Rupees commutable to further imprisonment.*

23. *Modifies Section* 122, *Regulation* 10, 1819. *Person wilfully &c. giving false information of illicit Salt in store, and thereby causing search, shall be imprisoned for* 2 *years, and fined not exceeding* 500 *Rupees, and in case of non-payment, to further term of* 6 *months.*

24. *Parties convicted of illegal possession &c. of Salt, shall be liable to penalty of* 5 *Rupees per maund under Section* 36, *Regulation* 10, 1819 *Each smuggler liable to whole fine.*

25. *The Governor of Bengal to vest with power of adjudication assistants &c. subject to same rules as apply to Salt Agents.*

26 *Cases under this Act shall be tried in manner prescribed in Regulation* 10, 1819. *Officer adjudicating, to be guided by Sections* 100 *to* 116, *same Regulation. Judge and Zillah Judge to proceed in Cases under this Act as in other Cases.*

27. *Modifies Clauses* 32, 33 *Regulation* 10, 1819. *Proprietors and farmers*

upon whose Land there are Salt works, not worked under contract with Salt Agent, must give notice of the same to Officer of Police or &c. within ten days, like notice to be given by person employed in collecting Land Revenue of Mehal on part of Government, or of Court of Wards or &c. Omission to give notice subjects to fine of 500 *Rupees for every Khalaree of Salt work or lands Fine recoverable by distress.*

28. *Modifies Section* 64, *Regulation* 10, 1819. *by additional provision, that Officers unable to account for deficiencies of out-turn of Salt shall be liable for such deficiencies as if they arose by embezzlement, and shall be punished by fine and imprisonment.*

29. *Mode of proceeding to compel attendance of persons Warrant may be issued in manner provided by Regulation* 10, 1819.

30. *In ex parte cases referred to City or Zillah Judge, Judge shall carry on proceedings under Sections* 111, 113, *Regulation* 10, 1819.

31. *Modifies Sections* 111, 112, *Regulation* 10, 1819. *Cases in which adjudication of Salt Agents &c shall be final, extended from* 20 *maunds to* 80 *maunds. Right reserved of petitioning Board of Customs Salt and Opium.*

32. *Modifies Section* 114, *Regulation* 10, 1819. *In confiscations exceeding* 80 *maunds, or fine of* 400 *Rupees, the judgment of Zillah and City Judges shall be final.*

33. *Tract of country and limits within which this Act shall take effect.*

Act III. 1851 is an Act to amend Reg. 10, 1819 and Act 29, 1838 for preventing the unlawful manufacture and transportation of Salt.

I. It is hereby enacted, that from the First day of December 1838, Sections LIX., LX. and LXI. Regulation X. 1819, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when information shall be given to any Salt Agent or Superintendent of Salt Chokies that contraband Salt is stored in any ware house, dwelling house, or other place situated in the tract of country in Bengal or Orissa within which the transportation of Salt without Ruwana is not lawful, and such Salt Agent or Superintendent of Salt Chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—First, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse or other place where the Salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the Salt is there stored. Fourthly,

the quantity and description of the Salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband Salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following, that is to say, the Salt Agent or Superintendent of Chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest Police Darogah or other Officer in charge of the Police Thana or Station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of Salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police Officer in company, to break open the door of the house, warehouse or other place in which the Salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of Salt, in manner above provided, he shall send along with the informer one or more confidential Officers of his public establishment, not being under the rank of a Jemadar of Peons, giving to such Officer or Officers his warrant ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogah or other Police Officer to attend, and the Officer so deputed shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse or other place, shall be broken open to make a seizure of Salt except in the presence of a Salt Agent or Superintendent of Chokies, or of an Officer so specially deputed, and of an Officer of Police.

VI. And it is hereby enacted, that it shall be competent to the Head Officer of any Salt Chokie or Aurung for the manufacture of Salt, and for any Assistant to a Salt Agent or Superintendent, to receive information of Salt exceeding one maund in quantity being in store in a house, warehouse or other place in the manner prescribed in Section II. and to act thereupon as provided in Sec-

tions III. and IV. of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a Salt Agent or Superintendent of Chokies, or from the place where the Salt Agent or Superintendent may be.

VII. And it is hereby enacted, that if the Darogah or person in charge of any Police Thana or station, receiving notice to attend at a seizure of Salt in store, as is above prescribed, shall not attend or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure, such Darogah or other Officer shall, on representation of the fact by the Officers of the Salt Department, and on conviction of the same before the Magistrate of the District, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the Salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse or other place to effect a seizure of Salt the rules and precautions prescribed in Regulation XX. of 1817 and Section X. Regulation VII. of 1799 of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be obrseved by the Police Officers in attendance; provided however that the responsibility for the act, and the determination whether to require the door to be broken open or not shall rest with the Officers of the Salt Department only.

IX. And it is hereby enacted, that whenever a seizure of Salt in store in any house, warehouse or other place shall be made by a Salt Agent or Superintendent of Chokies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an Officer of the Salt Department, other than an Agent or Superintendent of Chokies, such Officer shall report the circumstances within twenty-four hours to his official Superior; and the Police Officer in attendance shall likewise report the occurrences at the time of seizure to his Official Superior.

XI. And it is hereby enacted, that no Salt found in store in any house or warehouse shall be deemed to be contraband, or shall be

liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever Salt shall be seized as contraband, because unaccompanied by any Ruwana or other protecting document, the person or persons conveying, or having in charge the same shall be apprehended; and all Officers who are empowered to seize Salt under the provisions of Regulation X. 1819 of the Bengal Code, shall likewise be competent to arrest the parties found with or having the Salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chokies and other Officers who may be duly empowered to seize Salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in Section XXXIII. of this Act; and if Salt shall be found thereon, not accompanied by the necessary Ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an Officer empowered to adjudicate cases of contravention of the Salt Law.

XIV. And it is hereby enacted, in modification of Section XXXVI., Regulation X. of 1819, of the Bengal Code, that if any person shall be found in the act of conveying Salt without Ruwana, or other protecting document, exceeding in quantity five seers of 80 tolahs to the seer, within the tract of country in Bengal or Orissa wherein the transportation of Salt is prohibited unless so protected, or if several persons be found carrying Salt so unprotected, in gangs or companies, which Salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of Salt. [Modified by Act III. 1851, s. 2]

XV. And it is hereby enacted, in modification of Section CXXI. of Regulation X. 1819, aforesaid, that any person or persons, who may be convicted of smuggling Salt without Ruwana singly or in gang, and sentenced to pay a fine to Government on account of Salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree

jail, for a period not exceeding six months in commutation of such fine.

XVI. And it is hereby enacted, in further modification of Section CXXI. of Regulation X. 1819, aforesaid, that any person, who may be sentenced under Sections XXXI., LXVIII. and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those Sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree jail: and cases of the kind described in the said Sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the Officer adjudicating any case under this or the preceding Section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree jail, to hold the person described therein in confinement in such jail, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in Sections XXXI. and LXX. of Regulation X. of 1819, aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree jail for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any Salt Agent to proceed for the recovery of any balance that may be due to Government within the year, upon any contract made for the manufacture of Salt in the limits of his Agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the Government in Zemindars and Sudder Farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an Officer duly authorized to seize Salt, or shall procure his release after arrest, or if the party found with the Salt in possession, or

any other persons resist any such Officers, they shall severally and respectively be liable to the punishment prescribed in Section LVI. of Regulation X. 1819, of the Bengal Code.

XX. And it is hereby enacted, that if any Officer making an arrest upon account of Salt smuggling shall neglect to carry the person arrested to the proper Officer of the Salt Department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such Officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 Rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any Officer competent to adjudicate a forfeiture of contraband Salt, and in case of non-payment of the fine, to a further imprisonment not exceeding three months, at the discretion of the Officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an Officer of the Salt Department, or by any other Officer of other Departments duly empowered to make a seizure of Salt, the person making the arrest shall be bound to carry the party arrested direct to the Officer of the Salt Department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brougt to judgment in the manner provided by Law.

XXII. And it is hereby enacted, that if any Officer of the Salt Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for Salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of Section CXXII. Regulation X. of 1819, aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit Salt in store in any house or warehouse, and so pro-

cure that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons whatever, such false informer shall, on conviction of the offence before any Magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 Rupees, at the discretion of any Magistrate by whom the case may be tried, and in case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of Salt, and shall be liable to the penalty of five Rupees per maund as prescribed in Section XXXVI. Regulation X. of 1819, of the Bengal Code, the fine shall be at the said rate according to the quantity of Salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the Revenue, shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy Governor of Bengal to vest with the power of adjudicating cases of contravention of the Laws for protection of the Revenue derived from Salt, any Assistant to a Salt Agent, or Uncovenanted Superintendent of Salt Chokies, who may seem to him qualified; and such Officers, when invested with such powers, shall exercise them subject to the same rules and restrictions as Covenanted Salt Agents and Superintendents of Chokies; provided that no Officer adjudicating cases of contravention of the Salt Revenue Laws shall receive any part of the rewards that may be decreed or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal Code for other cases of contravention of the Laws for the protection of the Revenue derived from Salt; and the Officer adjudicating the case shall be guided by the provisions of Sections C. to CXVI. of that Regulation; and the Judge of the City or Zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisons of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted

of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of Clauses XXXII. and XXXIII. of Regulation X. 1819 of the Bengal Code, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree farm or lakhiraj estate there shall be any works producing Salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public Officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the Land Revenue of any Muhal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to Salt manufactured on the lands under their management; and every such propriëtor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable on conviction before the Judge of any Zillah or City to a fine of 500 Rupees, for every Khalaree or Salt Work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent or Superintendent of Chokies in the manner provided for decrees of the Civil Court.

XXVIII. And it is hereby enacted, in modification of Section LXIV., Regulation X. of 1819, aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of Salt from any golah or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the Officer or Officers who may have been entrusted with the charge of such golah or place of Government store, shall nevertheless be liable for the offence of embezzling the Salt of any store in their custody the out-turn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account. And the Of-

ficer in charge of any golah or Salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the City or District, to be punished by fine and imprisonment under the general powers vested in the Zillah and City Magistrates.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections CXI. CXII. and CXIII. of Regulation X. 1819 of the Bengal Code, for the adjudication of cases of contravention of the Laws enacted for the protection of the Revenue derived from Salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the Officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section CII. of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the Officer adjudicating the case shall pass judgment thereon, under the said last mentioned Section, in like manner as if the parties accused were present; and the Officer so adjudicating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil Court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such Civil Court under Section XXX. of this Act.

XXX. And it is hereby enacted, that when the Officer holding proceeding in any case *ex parte*, as above provided, shall refer the case to the Judge of any City or Zillah, in consequence of the amount of fine being such as the said Officer is not competent finally to adjudge, the Judge of the City or Zillah to whom such case may be referred shall issue such orders and institute such proceedings as are authorized by Sections CXI. to CXIII. of Regulation X. of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in

their defence; and whenever any fine may be adjudged by the Zillah or City Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chokies under the rules in force for the execution of the decrees of Civil Courts.

XXXI. And it is hereby enacted, in modification of the Rules contained in Sections CXI. and CXII. of Regulation X. of 1819 of the Bengal Code, wherby the power of final adjudication by Salt Agents or Superintendents of Chokies, in cases of the contravention of the laws enacted for the protection of the Salt Revenue, is restricted to cases in which the quantity of Salt proposed to be confiscated shall not exceed twenty maunds or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of Chokies, or of any other Officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the Salt adjudged to be confiscated shall not exceed eighty maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided however that every such judgment may under Section CXVII. of the said Regulation be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of Section CXIV. Regulation X. 1819 of the Bengal Code, that the Zillah and City Judges shall pass final judgment in all cases referred to them for adjudication when the quantity of Salt to be confiscated shall exceed eighty maunds, or the fine imposed shall exceed 400 Rupees; provided however that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the Rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a Zillah or City Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of Country guarded by Salt Chokies in the manner prescribed in Section XXXVI. of Regulation X. 1819 of the Bengal Code, and within which the transportation of Salt, not belonging to Government, without a Ruwana or special pass from the Board of Customs, Salt and Opium, is not lawful; and it is hereby declared that such tract shall not extend within the Delta of the Ganges and Megna Rivers, beyond the line

of the reach of the tides in the Rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor, eastward of the Megna, north of the River Goomtee ;n or, westward of the River Hooghly, beyond a line drawn from a point on that River distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Guttaul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively.

BENGAL.--REGISTRATION OF DEEDS.

ACT No. XXX. OF 1838.

[*Passed on the 19th November*, 1838.

1. *Section* 2. 14, *Regulation* 36, 1793; *Regulation* 17, 1803; *Section* 17, *Regulation* 8, 1805; *Section* 32, *Regulation* 12, 1805; *Section* 4, *and clauses* 2, 3, *Section* 6, *Regulation* 20, 1812, *and Section* 2, *Regulation* 4, 1824, *modified.*

2. *Offices for the Registry of Deeds may be established at any Civil Station.*

3. *Same fees payable at offices established under this Act, as at old Offices.*

4. *Section* 15, *Regulation* 36, 1793; *and clauses* 2, 3, *Section* 6, *Regulation* 20, 1812, *shall not apply to offices and persons appointed under this Act.*

5. *Fees for registering deeds in European language to be paid at the established rates of section-writing in addition to fees under Section* 14, *Regulation* 36, 1793

6. *Zillah Judge, &c. may appoint temporary Registrars in case of death or absence of Registrar.*

Act XI. 1851 provides for the custody of Deeds in the presidency of Bengal.

I. It is hereby enacted, that Sections II. and XIV. Regulation XXXVI 1793, the Provisions of which were extended by Regulation XXVIII. of 1795, Regulation XVII. of 1803, Section XVII. Regulation VIII. of 1805 and Section XXXII. Regulation XII. of 1805, Section IV., and Clauses 2 and 3, Section VI. Regulation XX. 1812, and Section II. Regulation IV, of 1824, of the Bengal Code, be modified.

II. And it is hereby enacted, that in addition to the Offices to which those Sections relate, Offices for the Registry of Deeds may be established at any Civil Stations, and may be placed by the Orders of Government under the superintendence of any Officers

resident at such Stations whom Government may nominate for that purpose.

III. And it is hereby enacted, that the Registration of Deeds at any Office of Registry authorized by this Act shall be subject to the payment of the same fees as are prescribed in Section XIV. Regulation XXVI. 1793, for Deeds registered at an Office established at the Station of a Zillah or City Court.

IV. And it is hereby enacted, that Section XV. Regulation XXXVI. 1793, and Clauses 2 and 3, Section VI. Regulation XX. 1812 of the Bengal Code, shall not be held applicable to offices and persons established and appointed for the registry of Deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering Deeds written in any European language at any Office of Registry in the Territories subject to the Presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of Section Writing, in addition to the fees prescribed by Section XIV. Regulation XXXVI. 1793.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by Government to register Deeds under this Act, it shall be lawful for the Zillah Judge or other Officer specially authorized by Government, to appoint any person whom he may think proper to take temporary charge of the Office and to register Deeds in the same manner as if such person had been appointed to the Office by the Orders of Government.

SUPREME COURTS.--CRIMINAL LAW.

ACT No. XXXI. OF 1838.

[*Passed on the 3rd December*, 1838.

1. *Repeals Sections* 59, 60, 61, 80, 81, 82, 84, 85, 90 (*part of it*), 114, 117, 119, 123, *of Stat.* 9. *Geo.* 4 *c.* 74.

2. *Act to extend to all persons and places within the jurisdiction of Her Majesty's Courts.*

3. *Relates to offences, by poison, or other destructive thing; by stabbing, cutting, wounding, causing bodily injury dangerous to life, with intent to commit murder.* PUNISHMENT,—*Death.*

4. OFFENCES.—*Attempting to administer poison or other destructive thing; shooting at any person; drawing a trigger, or otherwise attempting to discharge*

loaded arms at any person; attempting to drown, suffocate or strangle any person, with intent to commit murder. PUNISHMENT,—*Transportation for life or years, or imprisonment for not exceeding 4 years.*

5. OFFENCES —*Unlawfully and maliciously shooting at any person; drawing a trigger or otherwise attempting to discharge loaded arms at any person; stabbing, cutting, wounding any person, with intent to main, disfigure or disable; or to do other grievous bodily harm, or to resist lawful apprehension or detainer of person.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

6. OFFENCES.—*Unlawfully and maliciously sending or delivering, &c. to any person any explosive substance or other dangerous thing, &c. casting, &c. upon any person any corrosive fluid, &c. with intent to burn, maim, disfigure, disable or do grievous bodily harm, and whereby any body shall be burnt, &c.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

7. OFFENCES.—*Administering, &c. to any person, &c. any poison or other noxious thing or unlawfully using any instrument or other means with intent to procure her miscarriage.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

8. TRIAL.—*On any trial for the above offences, or for any felony which shall include an assault, the jury may acquit of the felony, and find guilty of the assault, in which case the Court may imprison not exceeding 4 years.*

9. OFFENCES.—*Burglariously breaking and entering any dwelling house, and assaulting with intent to murder, or stabbing, cutting, wounding, beating or striking any person therein.* PUNISHMENT,—*Death.*

10. *Any person convicted of burglary may be transported for life or years, or imprisoned not exceeding 4 years.*

11. *The night, in relation to burglary, shall be considered to commence at 9 and conclude at 6.*

12. OFFENCES—*Stealing in dwelling house, and by menaces, &c. putting any one therein in bodily fear; stealing in a dwelling house to the value of Company's Rupees 50 or more.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

13. OFFENCES.—*Robbing any person, and at the time or immediately before or after, stabbing, cutting or wounding any person.* PUNISHMENT,—*Death.*

14. OFFENCES.—*Armed with any offensive weapon, &c. robbing or assaulting with intent to rob any person; being with one or more, and robbing or assaulting with intent to rob, and beating, striking or using any personal violence to any person.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

15. OFFENCES.—*Accusing or threatening to accuse of buggery; assaulting with intent to commit, or attempting or endeavouring to commit that crime; making or offering any solicitation, &c. to any person whereby to move him to commit, &c. that crime, with the view in any of the above cases to extort by intimidation, and extorting any property.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

16. OFFENCES.—*Plundering or stealing any part of ship, &c. in distress or wrecked &c. or any goods &c. belonging to such ship &c.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding* 4 *years.*

17. OFFENCES.—*Robbing any person, or stealing from the person.* PUNISHMENT,—*Transportation not exceeding* 15 *nor less than* 10 *years, or imprisonment not exceeding* 3 *years.*

18. *Assaulting with intent to rob. Imprisonment not exceeding* 3 *years.*

19. *With menaces or by force, demanding any property, with intent to steal, —Imprisonment not exceeding* 3 *years.*

20. *Unlawfully and maliciously setting fire to any dwelling house. Death.*

21. *Unlawfully and maliciously setting fire to any church, &c. or house, stable, coach house, &c. or building, &c. used in carrying on any trade, &c. whether in possession of offender or other person, with intent to injure or defraud any person. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

22. *Unlawfully and maliciously setting fire to, casting away, or in any wise destroying any ship, &c. with intent to murder, or whereby any life be endangered. Death.*

23. *Unlawfully exhibiting any false light, &c. with intent to bring any ship, &c. into danger: or, unlawfully or maliciously doing any thing tending to the immediate loss or destruction of any ship, &c. in distress. Death.*

24. *Unlawfully and maliciously setting fire to, or in anywise destroying any ship or vessel in a complete or in an unfinished state, or setting fire to, &c. any ship, &c. with intent to prejudice, any owner of such ship, or of any goods on board, or any underwriter. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

25. *By force preventing or impeding any person endeavouring to save his life from any ship, &c. in distress, &c. whether on board thereof or after he has quitted. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

26. *Unlawfully and maliciously destroying any part of any ship, &c. in distress, &c. or any Goods, &c. belonging thereto. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

27. *Unlawfully and maliciously setting fire to any mine of coal. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

28. *Unlawfully and maliciously setting fire to any stack of rice, corn, &c. grain, pulse, &c. whether standing or cut down, or to any part of a wood, coppice or plantation of trees, or to any grass, fern or other like ground produce. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

29. *Stealing the whole or part af any growing tree, &c. or of any pale, post, &c., any growing cultivated plant, root, &c. or unlawfully and maliciously committing any damage, injury or spoil to or upon any real or personal property whatever. On conviction before a Magistrate or J. P. for first offence, penalty not exceeding* 50 *Rupees; for second or subsequent offence, imprisonment with or without hard labour not exceeding* 6 *calendar months. This Section not to extend to such offences in Prince of Wales' Island, Singapore, or Malacca.*

30. *Every sum of money forfeited for injury done shall be paid to party*

aggrieved, except when he has been examined in support of charge. If penalty not paid at time of conviction or within time allowed by Magistrate, offender may be imprisoned, with or without hard labour, not exceeding 2 calendar months, if penalty and costs do not exceed 50 Rupees, and not exceeding 4 months above that sum.

31. *Several persons jointly convicted may be each adjudged to pay the full penalty, but only one penalty equivalent to injury done shall be paid to party aggrieved.*

32. *Offender summarily convicted, shall be released after payment of penalty and costs, or after having suffered the adjudged term of imprisonment.*

33. *Malicious offences under this act, punishable, whether the malice was conceived against the owner of property or otherwise.*

34. *In any proceeding for theft or malicious injury to property, the property needs not be alleged to be of any person.*

35. *The word property, shall be deemed to include every thing included under the words "chattel, money or valuable security."*

36. *Principals in the second degree, and accessaries before the fact, punishable as principals in the first degree. Accessaries after the fact, except receivers, shall be imprisoned not exceeding 2 years.*

37. *Sentences of imprisonment, may award hard labour, and also solitary confinement not exceeding one month at a time, or 3 months in a year.*

38. *Natives of the East Indies, not born of European parents, shall not be transported to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.*

I. It is hereby enacted, that so much of a Statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, entitled an Act for improving the administration of Criminal Justice in the East Indies, as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person,

or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall, by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling house, any person therein being put in fear, or shall steal in any dwelling house any chattel, money or valuable security to the value in the whole of Fifty Company's Rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire

to any house, stable, coach-house, out house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessories before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all

persons and over all places over whom or which the Criminal jurisdiction of any of Her Majesty's Courts of Justice within the territories under the Government of the East India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death. [Amended by Act 29, 1850.]

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with

intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. [And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding,] and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an assault, for any term not exceeding four years. [Repealed by Act XVI. 1852, s. 10.]

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be

considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling house any property to the value in the whole of Fifty Company's Rupees or more, or shall break and enter any dwelling house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of

the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or article of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen yearc, [nor less than ten years,] or to be imprisoned for any term not exceeding three years. [The term repealed by Act XXIII. 1847.]

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted that whosoever shall with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or

defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall un-

lawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar-cane whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a Magistrate or Justice of the Peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 50 Rupees as to the Magistrate or Justice of the Peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting Magistrate or Justice

of the Peace shall think fit. Provided always that nothing in this Section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting Magistrate or justice of the Peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Magistrate or Justice of the Peace shall not be paid, either immediately after the conviction or within such period as the Magistrate or Justice of the Peace shall, at the time of conviction, appoint, it shall be lawful for the convicting Magistrate or Justice of the Peace, to commit the offender to the common Gaol or House of Correction to be imprisoned only, or to be imprisoned with hard labour according to the discretion of the Magistrate or Justice of the Peace for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be) together with the costs, shall not exceed 50 Rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary convicton by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person

shall be released from all further or other proceedings for the same cause.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the word "chattel, money, or valuable security" in the said Statute, made and passed in the ninth year of the reign of his late Majesty King George the 4th aforesaid—and that the term dwelling house shall have the same construction as in the said Statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable. And every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction, be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labor, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the Court in its discretion shall seem meet not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided that it shall not be lawful for any Court, under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

BENGAL.—JUSTICES OF THE PEACE.

ACT No. XXXII. OF 1838.

[*Passed on the* 10*th December*, 1838.

1. *All powers in Criminal Cases given to two Justices in Bengal, Behar and Orissa, and within the Presidency of Fort William, may be exercised by one Justice.*

2. *And one Justice may issue a Warrant of Distress under* 33 *George* 3 *Cap.* 52.

2. *Legalises previous Acts and Warrants of one Justice.*

Extended to Madras by Act IX. 1849.

I. It is hereby enacted and declared, that all powers whatever in Criminal Cases, which by virtue of any law now in force may be exercised by two Justices of the Peace within and for the Provinces, Districts, and Countries of Bengal, Behar and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any one such Justice to issue a Warrant of Distress for the recovery of arrears of Assessment accruing under the Act of Parliament 33 George III. Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and Warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

BENGAL.—DISTRESS FOR RENT.

ACT No. I. OF 1839.

[*Passed on the* 4*th February*, 1839.

1. *Repeals all Regulations giving any persons authority by virtue of Office to sell property for arrears of rent.*

2. *Collector, &c., by sunnud, may appoint persons to sell property, deducting a per centage.*

3. *All Regulations for the guidance of persons appointed to sell, to apply to persons appointed under this Act.*

Schedule. Form of Sunnud.

Repealed by Act X. of 1859.

DISTRESS AND SALE.—FINES.

ACT No. II. OF 1839.

[*Passed on the 4th February*, 1839.

1. *In cases of fines, no other means of enforcing which are provided, such fines may be levied by distress and sale of offender's goods; or if no goods are found, by imprisonment for not exceeding 2 months, with or without hard labor, or for 4 months or 6 months, according to amount of fine.*

2. *In cases of fines and imprisonment heretofore and hereafter imposed, the amount of which is not fixed, the fine shall not exceed 200 Rupees, nor the term 6 months.*

3. *Magistrates having power to punish, may receive proof upon oath or affirmation.*

4. *Meaning of terms.*

I. It is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act theretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount. [Extended by Act X. 1842.]

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor

General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and be hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared, and enacted, that in this Act and in all Acts heretofore passed by the Governor General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "Magistrate" shall extend to all "Joint Magistrates," "persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."

BRITISH SUBJECTS.

ACT No. III. OF 1839.

[*Passed on the* 18*th February*, 1839.

1 *and* 3. *No person by reason of place of birth or descent, to be exempt from jurisdiction of Revenue Courts or Moonsiffs.*

2. *Validates decrees which would be open to exception before the passing of this Act.*

I. It is hereby enacted and declared, that within the British Territories under the Government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall

be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said Territories no person whatever shall by reason of place of birth, or by reason of descent be in any Civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the Moonsiffs. [Act XI. 1843, abolishes this exception, in any Civil proceeding whatever: consequently a reference to the above Section is unnecessary.]

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. IV. OF 1839.

[*Passed on the* 18*th March*, 1839.

1. OFFENCES.—*Stealing growing tree, sapling, shrub, underwood, pale, post, stile, growing cultivated plant, root, fruit, or vegetable production, maliciously committing damage, &c. upon private property.* PUNISHMENT,—*To pay not exceeding* 200 *Rupees, besides compensation. For second and subsequent offences, six months', imprisonment.*

2. *Sum assessed for compensation to be paid to party aggrieved, &c.*

3. *In default of payment, offender may be committed to prison with or without hard labor for terms varying with amount of penalty.*

4. *Offender to be released from all further proceedings for same cause, after payment or imprisonment.*

5. *Offence muliciously committed within the Act, whether the malice was conceived against the owner or otherwise.*

6. *Receiver punishable in same manner as principal offender.*

7. *Court to set for trial of cases under this act, once in fourteen days at least.*

I. It is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall, for the first offence, forfeit and pay over and above the

amount of the injury done, such sum of money, not exceeding 200 Rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labour for such term not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed 200 Rupees,) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved, than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forcited or of the penalty imposed, or both, (as the case may be) together with the costs, shall not exceed 50 Rupees; and for any term not exceeding four calendar months, when the amount, with costs, shall exceed 50 Rupees, but shall not exceed 100 Rupees, and for any term not exceeding six calendar months, in any other case: the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this act, shall have paid the sum adjudged to be paid, together with the costs under such conviction or shall have suffered the imprisonment awarded for non-payment

thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment, and forfeiture by this act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this act punishable, either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof in like manner as the principal offender, be liable for every first and subsequent offences of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

VII. And it is hereby enacted that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this Act at each station of the said settlements not less frequently than once in fourteen days. Provided always that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature, [and that no Justice of the Peace being a Proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a station where such Justice may be so interested.] [Bracketed part repealed by Act V. 1853.]

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. V. OF 1839.

[*Passed on the* 18*th March*, 1839.

1. *Magistrate, &c. may grant warrants to search for articles concealed, the exclusive privilege of preparing or selling which has been farmed out by the E. I. Co.*

2. *Persons found contravening Regulations may be searched without war-*

rant. Persons obstructing search to be fined, not exceeding 100 *rupees, and in case of non-payment imprisoned.*

3. *Officer maliciously and without reasonable grounds apprehending, &c. any person on plea of having infringed Regulations, may be fined not exceeding* 100 *rupees, and in case of non-payment imprisoned not exceeding* 3 *calendar months.*

4. *No further proceedings to be taken for same cause after payment of the fine, or imprisonment.*

5. *No officer to act under provisions of this act unless specially appointed.*

Repealed by Act XIV. 1851.

Repealed by IV of 1862

BANK OF BENGAL.

ACT No. VI. OF 1839.

[*Passed on the* 18*th March,* 1839.

1. *Rescinds and cancels the Charter of the Bank of Bengal, dated* 29*th May,* 1823, *and Acts* 19, 1836, *and* 24, 1838.

2, 3. *Continue the Corporation in all respects the same.*

4. *Bank may sue and be sued by corporate name, and hold and transfer property.*

5. *Capital Stock may be increased by Regulation of G. G. of India. Twelve months to be given for filling up subscriptions.*

6. *Capital Stock of Bank to be* 75 *lacs and further sum specified Share to be* 4,000 *Rupees, divisible into quarters.*

7. *No proprietor to hold more than one lac and sixty thousand, until the Bank Capital is increased, and except by succession, bequest, or marriage.*

8. *Entitles every proprietor to a certificate of his shares.*

9. *Shares to be personal estate transferable by indorsement. Transfer must be registered, and indorsement noted by officer.*

10. *Corporation to consist of registered proprietors only.*

11. *Business to be managed by* 9 *Directors,* 3 *of whom to be appointed by G. G. in C.,* 6 *by General Meeting of Proprietors.*

12. *The Directors when charter ceases, to continue.*

13. *Two Directors to go out second Monday in December, when General Meeting to elect* 2 *in their stead. Out-going Director not re-eligible; existing rotation to be observed.*

14. *In case of death, resignation or absence of Director for more than* 3 *Months, General Meeting to elect successor.*

15. *Director must have* 3 *shares, and not be Director of any other Bank of Issue in Calcutta.*

16. *At General Meetings, questions to be decided by Majority of votes of persons whose title (except by act of law) has been completed six months.*

17. *Prescribes the scale according to which proprietors may vote.*

18, 19. *Allow proxies to vote.*

20. *Directors to choose President, who is to have a casting vote.*

21. *Three Directors necessary to form a Board, and Directors to establish a rotation among themselves.*

22. *Accounts of the Bank, and all instruments not under seal whereby Bank can be bound, except Cash notes, shall be signed by 3 Directors. Seal to be used only in presence of 3 Directors, who shall sign in token of their presence.*

23. *Directors may appoint officers, remove officers and fix salaries. Whole expense of establishment not to exceed 60,000 rupees, without authority of General Meeting.*

24. *Prohibits the Secretary, Treasurer, Head Accountant, or Khazanchee, from engaging in other Commercial business either as principal, Agent or Broker, requires them to give security.*

25. *Bank shall not be engaged in any business except of the kinds following. &c*

26. *Directors not to discount or make loan, unless cash in possession is equal to one-fourth of all claims on the Bank payable on demand.*

27. *Directors not to discount securities having more than three months to run, nor to lend money for more than three months, nor to lend on Bank shares or certificates, nor on mortgage, nor on negotiable security not carrying the responsibility of two persons or firms, nor be in advance to any individual beyond three lakhs save upon Collateral Securities specified.*

28. *Directors to make no loan other than specified, except on deposit of public Securities &c. absolutely transferred to the Bank, or of goods not of a perishable nature.*

29. *Bank not to be in advance to Government more than seven and a half lakhs. But the holding of Government Securities not overdue, from individuals shall not be deemed an advance to Government.*

30. *Directors shall not suffer any person keeping Cash, to overdraw his account.*

31. *Bank may issue Promissory Notes not less than 10 Rupees, payable on demand, or not exceeding 30 days after sight. Total amount of Notes not to exceed 2 Crores.*

32. *Prohibits Bank from making, issuing, or negotiating notes, &c. for payment out of the limits of India.*

33. *Directors may receive on deposit goods not of a perishable kind, and contract for their safe keeping.*

34. *Books of Bank to be balanced on 30th June, and 31st December in every year &c.*

35. *Dividend to be made of actual profits for preceding six months. Directors with sanction of Proprietors, may set apart a reserved fund to meet contingencies.*

36. *First Monday in August, statement of affairs of Bank to be laid before General Meeting of Proprietors, &c.*

37. *Any three Directors may at any time convene a General Meeting of Proprietors, giving 15 days' notice &c.*

38. *Branch Banks may be established with sanction of Governor General in Council. Business of Branch Bank to be same as of Head Bank.*

39. *Dividend may be retained in payment of debts from Proprietors. Proprietor indebted to Bank shall not transfer his share. Share may be sold after six months' notice.*

40. *Bank to continue till 1st May, 1846, and thereafter until dissolved. Twelve months' notice of dissolution to be given. Bank suspending Cash payments to lose the benefit of this Act.*

I. The existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the Members of the said corporation have by their Directors applied to the Governor General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor General in Council having assented to such surrender, and to the continuance of the said corporation as hereinafter declared;—It is hereby enacted that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May, 1823, and the Act No. XIX. of 1836, and the No. XXIV. of 1838, relating thereto, shall respectively cease to have effect and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the proprietors of the capital stock of the said Bank of Bengal, shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation, body corporate and politic, by the name of the Bank of Bengal with perpetual succession to them and their successors, proprietors for the time being of the said Bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of said Charter and Acts, shall, immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid; and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or

proceeding at Law or in Equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the Capital stock of the said Bank as constituted under the said present Charter and Acts shall on the determination of the same by virtue of this Act continue to be the capital stock of the said Bank so renewed and continued as aforesaid, provided however, that it shall be in the power of the Governor General of India in Council from time to time, by resolution notified in the Calcutta Gazette, to authorize the said Capital Stock to be increased: and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportinos of new stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the Capital Stock of the said Bank, which by the said Act No. XIX. of 1836, was fixed at 75,00,000 of Rupees divided into 1,875 shares of 4,000 Rupees each, has, by the Resolution of the President of the Council of India in Council, issued and notified to the Proprietors on the 17th October, 1838, in conformity with Act No. XXIV. of 1838, been ordered to be increased by one half, and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorized in the

said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council, it is therefore hereby enacted, that the Capital Stock of the said Bank shall, on the said 1st May next, when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of 75,00,000 of Company's Rupees, together with such further amount as shall on that date, have subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of capital authorized and ordered as above mentioned, shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the Capital Stock of the Bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act, and the capital stock held by the Bank of Bengal on the said 1st May next, together with the further capital that may be subscribed and paid up as above after that date, shall be divided into shares of 4,000 Rupees each, or into quarter shares of 1,000 Rupees each in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said capital that may be then registered in the name of the Governor General of India in Council, shall be the property of the said Governor General of India in Council for the time being on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor General of India in Council to that effect in the said order and notice, and the shares and quarter shares registered as belonging to individual Proprietors shall continue to be the property of such Proprietors, and the said Proprietors shall respectively be in the proportion of their several interest Proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of one lakh and sixty thousand Rupees,

excepting on occasion of the present or of any future increase being made to the Capital Stock of the said Bank, under the authority of the Governor-General in Council, in the manner prescribed in Sections V. and VI. of this Act, in which case any Proprietor holding stock, to the full amount of one lakh and sixty thousand Rupees, shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

VIII. And it is hereby enacted, that a certificate, signed by three Directors of the said Bank shall be delivered to the proprietor or proprietors of all the said shares of the Capital Stock of the said Bank, upon demand made by the holder of such share, and that any person who is a proprietor of more than one such share, may, at his option, demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by indorsement to be made on such certificates thereof respectively, under the hand of the proprietor or proprietors, or his, her, or their attornies duly authorized, which indorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such indorsement under the hand of an Officer appointed for that purpose by the Directors of the Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor General of India in Council, and the remaining six shall be elected by a General Meet-

ing of the proprietors of the said Bank, and removable by vote of the majority of a General Meeting of the said proprietors.

XII. And it is hereby enacted, that the persons who at the time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be Directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, provided always that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon—provided also that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid of any Directors elected or to be elected by the said Proprietors, the Directors shall call a General Meeting of the Proprietors to be held within fifteen days for the purpose of choosing a successor, and such successor shall come into the same place in the rotation above mentioned in which the Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the said Proprietors who shall not be Proprietor in his own right, and unincumbered, of three shares of 12,000 Rupees of the Capital Stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Suburbs of Calcutta.

XVI. And it is hereby enacted, that at General Meetings of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

1	share of	4,000 Rs.	shall entitle to	1	vote.
5	„	„	„	2	„
10	„	„	„	3	„
15	„	„	„	4	„
20	„	„	„	5	„
30	„	„	„	6	„
40	„	„	„	7	„

And no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor General may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy, shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either general or special, under his, her or their hand, or the hand of his, her or their attorney, duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy or in the absence of the President, the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and that the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always,

that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank and all instruments not under seal, whereby the said Bank can in any manner be bound, except the Cash Notes of the Bank, shall be signed by three Directors and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 60,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant or Khazanchee of the Bank of Bengal, shall engage in any other commercial business, either on his own account, or as Agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The Discounting of Negotiable Securities.
2. The keeping of Cash Accounts.
3. Buying and Selling of Bills of Exchange payable in India.
4. The lending of Money on short loans.
5. The Buying and Selling of Bullion.
6. The receiving of Deposits.
7. The issuing and circulating of Cash Notes and Bank Post Bills.
8. The selling of Property or Securities deposited in the Bank

as security for loans, and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no loan unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one fourth of all the claims against the said Bank, outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on mortgage, or in any other manner on the security of any Lands, Houses, or immovable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of three lakhs of Company's Rupees; provided always that advances upon Bills of Exchange accepted by the Government, or upon other Government Obligations shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the section next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so indorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of Goods, not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees, provided always that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations

derived to the said Bank from individuals and not overdue, shall not be construed as being in advance to the Government within the meaning of this section.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash at the said Bank of Bengal, to overdraw his, her or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue Promissory Notes, payable either on demand or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed two crores of Rupees, and provided also that no such Notes shall be for a smaller amount than ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue or negotiate any Note, Bill or other instrument containing any promise, undertaking or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive on deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forth with transmitted to one of the Secretaries to the Governor General of India in Council, and that the Governor General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profit of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be,

and that the amount of such dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half yearly account shall be taken, provided that the said Directors, subject to the control and sanotion of the Proprietors at their General Meeting, shall have power when they see fit to set apart from such profits a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a statement of the affairs of the said Bank, made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time, convene a General Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the *Calcutta Gazette.*

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor General of India in Council, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings, provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage and the manner of conducting such business, and likewise in respect to the issue of notes

payable on demand and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such Proprietor registered as his or her own property, and not as held in trust, or as executor, or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such Proprietor, or his or her constituted agent, or by public advertisement in the *Calcutta Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt with interest at the rate of six per cent. per annum; paying over the surplus, if any, to such Proprietor, or to his or her lawful representative.

XL. And it is hereby enacted that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of our Lord, 1846, and shall thereafter continue in like manner until duly dissolved or modified, provided however that after the said 1st day of May, 1846, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being of such intended dissolution or modification, provided also that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

MADRAS.—TAHSEELDARS.

ACT No. VII. OF 1839.

[*Passed on the 18th March,* 1839.

1. *Repeals section* 23, *Reg.* 28, 1802, *and annuls all Commissions appointed under it.*

2. *Tahseeldars to exercise the same powers as Commissioner for sale of property for arrears of rent or revenue.*

3. *Tahseeldars to be subject to control of Collector, &c.*

4. *Tahseeldars to be subject to same liabilities as under Reg* 9, 1822.

5. *Tahseeldars not entitled to fee or commission on sale. Fees to be carried to account of Government.*

6. *Tahseeldars may delegate powers subject to order of Collector, &c.*

I. It is hereby enacted, that from the first day of May in the year of our Lord 1839, Section XXIII. of Regulation XXVIII. of 1802, of the Madras Code, shall be repealed, and all Commissions whereby Commissioners for the sale of distrained property may have been appointed under the provisions of that section, shall be annulled.

II. And it is hereby enacted, that from the said day all Tahseeldars within the territories subject to the Presidency of Fort St. George, shall be vested with the powers of Commissioners, for the sale of property distrained for arrears of rent, or of revenue, and shall be subject to all rules and provisions to which by any Law or Regulation such Commissioners are subject.

III. Provided always, that in respect of the exercise of those powers, Tahseeldars shall be subject to the control and superintendence of the Collector, and shall not be subject to the authority of the Zillah Judge, except in the case of any judicial proceedings.

IV. Provided also, that Tahseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by Section X. Regulation IX. of 1822, of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation.

V. Provided also, that Tahseeldars shall not be entitled to any fee or commission for selling such distrained property; but that all fees or commission which may be now lawfully taken by Commissioners for the sale of such distrained property, shall be taken and carried to the account of Government.

VI. And it is hereby enacted, that Tahseeldars shall have authority, subject to the orders of the Collector, to delegate the powers vested in them by the second Section of this Act, to any public servants placed under thier authority; and that the provisions of the three last preceding Sections of this Act, shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to Tahseeldars.

CHINCHNEE.--LAPSED JAGHEER.

ACT No. VIII. OF 1839.

[*Passed on the 8th April,* 1839.

Villages enumerated, having lapsed to Government, shall be subject to Acts and Regulations of Bomb ay Presidency.

I. It is hereby enacted, that the following Villages, lately comprising the Jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the Territories subject to the Presidency of Bombay, Pergunnahs Gokak and Anwal.

The two following Villages of the Pergunnah Terdal, viz.—
1. Moja Sunkurhutee. 2. Moja Kowtkope.
The two following Villages of the Pergunnah Yadwad, viz.—
1. Moja Hoolkoond. 2. Moja Boodnee.
The two following Villages of the Pergunnah Gudee Kokutnoor.-
1. Moja Jhoonjurwad. 2. Moja Nundeshwur.
The Village of Moja Kutkeree, of the Pergunnah Utnee.
The Village of Moja Chikpudsulgee, of the Pergunnah Bidree.
The Village of Moja Oomruj, of the Pergunnah Burdole.
The four following Villages of the Prant Meruj, viz.—
1. Kusba Ashta, Kuryat Ashta.(*a*)
2. Moja Dhamnu. } Kurryat Tasgaon.
3. Moja Dhowlee. }
4. Moja Sumdolee,(*a*) Kurryat Sanglee.(*a*)
The four following Villages of the Prant Raibaug, viz.—
1. Thana Chinchnee. } Kurryat Nandre.
2. Moja Umnapoor. }
3. Kusba Eksumbe } Kurryat Eksumbe.
4. Moja Bhoj. }
The two following Villages of the Prant Punnala, viz.—
1. Moja Koondul(*a*) } Turf Valve.
2. Moja Poonudee.(*a*) }

(*a*) Repealed as to the above Villages by Act VI. of 1842.

The Village of Ingulgee of the Koongol Pergunnah, within the Dharwar Collectorate.

The three following Villages of the Patoda Pergunnah, within the Amednuggur Collectorate.—

Moja Singnapoor. Half of Moja Godegaon. Half of Moja Kaslee.

The Village of Hoondee Goonda, of the Pergunnah of Terdal.

The Village of Moja Sooltanpoor, of the Pergunnah of Terdal.

BENGAL.—SUITS IN FORMA PAUPERIS.

Repealed by X of 1861

ACT No. IX. OF 1839.

[*Passed on the 15th April,* 1839.

1. *No persons to institute a suit in formâ pauperis, unless the Court is satisfied, by examination on oath &c. that there is probable cause for instituting the suit.*

2. *In all suits in formâ pauperis, defendant's pleadings may be on unstamped paper. Defendant may have copies on unstamped paper, and need not deposit Vakeel's fees. Stamps to be charged in costs of suit, when terminated.*

3. *This Act not to extend to H. M's Courts.*

Repealed, except as to the non-regulation provinces, by the New Code of Civil Procedure, Act VIII. 1859.

I. It is hereby enacted, in addition to the Rules already in force for instituting suits in formâ pauperis, that no person shall be hereafter entitled to institute any suit in formâ pauperis, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses, (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath,) that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted in formâ pauperis, the pleadings on the part of the defendant, as well as all papers filed on his part on which a stamp is required by Schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper, and the defendant shall not be required to deposit vakeel's fees; provided always, that on the conclusion of the suit

the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted in formâ pauperis, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted in formâ pauperis, in any of Her Majesty's Courts of Justice.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. X. OF 1839.

[*Passed on the 15th April,* 1839.

1. *Whoever in Strait's Settlements wages war against any ally or state at peace with the Indian Government, &c. shall be guilty of felony, and transported not exceeding* 14 *years, or imprisoned not exceeding* 10 *years.*

2. *Receivers of property taken from territories of allies, &c. shall be punished in like manner.*

I. It is hereby enacted, that whoever, within the Settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the Territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy, or aid in supplying or selling arms, equipments, or otherwise knowingly abets the making of any preparation to commit depredations on the Territories of any such Power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever, within the Settlements aforesaid, shall receive any property, such person knowing the same to have been taken from the Territories of any Power in alliance or at peace with the Government of the Territories of the East India Company in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour, for any term not exceeding ten years.

INSTITUTION FEES ON APPEAL TO THE PRIVY COUNCIL.

ACT No. XI. OF 1839.

[*Passed on the 22nd April,* 1839.

I. It is hereby enacted, that from the time of the passing of this Act, no Stamp Duty or Institution Fee shall be payable in respect of any proceeding in any Appeal, or in respect of any paper or copy of any paper necessary for any Appeal from any Court of the East India Company to her Majesty in Council.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. XII. OF 1839.

[*Passed on the 29th April,* 1839.

1. *Repeals Regulation* 1, 1827, *of Governor in Council of Prince of Wales' Island.*

2. 3. *Assessment to be levied on Dwelling houses, &c. not exceeding* 10 *per cent. of annual value in George Town, Singapore and Malacca, or* 5 *per cent. on rent or value beyond those limits.*

4. *Exempts property of the annual value of less than Six Spanish Dollars.*

5. *Chief Civil Officer to fix limits of the said Towns.*

6. *Exempts Religious Edifices, Hospitals, Cemeteries, &c.*

7. *Exempts houses, &c. within Military Cantonment, &c.*

8. *Imposes a tax on all Carriages, Carts, and Cattle in use in the Incorporated Settlement.*

9. *Chief Civil Officer to appoint Officers to collect assessment, &c.*

10. *Prescribes the mode of enforcing payment by Distress and Sale of goods in case of default.*

11. *Gives the right of suing for arrear in any Court of Justice.*

12. *Gives the right of appeal in case of surcharge, exemption, &c.*

13. *Out of the Funds collected the streets are to be watched, cleansed, lighted, repaired, &c. and roads and bridges made and repaired.*

14, 15. *Collecting Officer every January to make detailed statement of collections and disbursements, and same to be open to inspection and published in newspaper.*

16. *Officers to be under superintendence of Chief Civil Authority.*

17. *Palanquin Carriages, Carts and Vehicles to be registered, or in default owner to forfeit not exceeding* 20 *Spanish Dollars, &c.*

18. *Assessments to be paid half yearly in advance.*

19. *Registered Vehicles to have a numbered Board.*

20. *If change of occupation takes place within the year after the assessment,*

levy may be made on property or on goods, &c. of occupier according to period of occupation.

21. *Owner of house not let, shall be deemed occupier, but to have an abatement if premises unlet or unused for 3 months.*

23. *Assessment not to be invalidated by mistake in name of person assessed, or of property chargeable, or in amount of assessment, &c.*

Extended by Act XII. 1840, repealed by Act IX. 1848.

MADRAS.—PORT DUTIES.

ACT No. XIII. OF 1839.

[*Passed on the 20th May*, 1839.

1. 2. *Consolidates, and commutes, into a Port duty, the Anchorage, Light-house and other charges, and substitutes a duty of 3 annas and 3 annas 6 pie per ton on vessels &c. according to their nation, and measurement tonnage.*

3. *Vessels not breaking bulk and not remaining 4 days to pay reduced duties.*

4. *Applies all previous powers, penalties, &c. to the provisions of this Act.*

5. 6. *Government of India may order the consolidation and commutation of Port and Harbour dues at subordinate ports, into tonnage duties, at rates specified being lower than the Madras rates.*

7. *Consolidated duty to be levied by Officer appointed to give Port Clearance. Port Clearance may be withheld till duty is paid.*

8. *Extends to Consolidated Duty at subordinate Ports, all powers, penalties, &c. applicable to previous duties.*

Repealed by Act XXII. 1855 s. 2 from the time when port &c. is declared subject to that Act.

I. It is hereby enacted, that the several charges of the port and Roadstead of Madras, levied under the heads of Anchorage duty, Light-House duty, Regular Boat-hire and Report Catamaran-hire, shall, from and after the first day of August next, be consolidated and commuted into a Port duty, to be levied at the rate of three Annas per Ton upon every Vessel not being a Vessel sailing under the colour of a Foreign, European, or American nation, of which the Tonnage shall not exceed 700 tons by measurement made in the manner prescribed by Act 5 and 6 of William IV. Cap. LVI. and if the vessel exceed 700 tons by measurement so made, the Port duty shall be levied as upon that tonnage.

II. And it is hereby enacted, that upon every vessel sailing under the colours of a Foreign European or American nation, that may anchor in the Port of Madras, there shall be levied a consoli-

dated Port duty at the rate of 3 annas 6 pie per ton, according to measurement made in the manner above prescribed.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the Port of Madras, shall not break bulk therein, and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows: that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which, without breaking bulk, shall, after anchoring therein, sail again out of the Port within forty-eight hours, and seven-tenths upon every vessel which, without breaking bulk, shall stay more than forty-eight hours and less than four complete days.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the Port and Roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted Port duties imposed by virtue of this Act.

V. And it is hereby enacted, that it shall be lawful for the Government of India to order the consolidation and commutation of any Port or Harbour duties, as levied in any subordinate Port of any Presidency, into a Tonnage duty, which shall be leviable at the rate and in the manner specified in the next following Section of this Act, upon the vessels anchoring in and trading with such Port.

VI. And it is hereby enacted, that when the Governor General of India in Council, shall direct the Port duties to be commuted and consolidated at any Port of the Madras Presidency, other than that of Madras, or at any subordinate Port of any other Presidency, the total amount levied at such Port shall not exceed one anna per ton for British and Native vessels not exceeding 700 tons and upon vessels exceeding that measurement at the rate for 700 tons, and upon Foreign European and American vessels, at the rate of one anna four pie per ton; and all vessels anchoring in any such out-ports shall be charged with reduced duty, in the proportions above provided for the Port of Madras, if they leave such Port without breaking bulk before completing four entire days from the time of anchoring therein.

VII. And it is hereby enacted, that the consolidated and commuted Port duties above prescribed, when ordered to be levied in any Port by the Governor General of India in Council, shall be

levied by the Officer appointed by the Government of the Presidency within which the Port is situate to give Port Clearances or other customary documents to vessels sailing from such Port, that is to say, by the Master Attendant, or by the Collector of Customs at such Port, as may be ordered by such Government, and if such duties be not paid upon demand, it shall be competent to such Officer to withhold from the vessel on account of which payment may be refused, any Port Clearance or other customary document required to be possessed by ships leaving such Port until the same shall be paid.

VIII. And it is hereby enacted that all the powers and authorities, Penalties and other means by which any Port or Harbour duty of any subordinate Port of any Presidency which shall be consolidated and commuted by virtue of this Act may have been legally enforced before the consolidation and commutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such Port imposed by virtue of this Act.

EMIGRATION.

ACT No. XIV. OF 1839.

[*Passed on the 27th May*, 1839.

1. *Repeals Acts XXXII.* 1837 *and V.* 1837.
2. *Prohibits the hiring of natives for emigration, under penalty.*
3. *Act not to apply to native seamen.*

Partially repealed by Act XV. 1842, and further repealed by Act XXI. 1844 and Act XIII. 1847; explained by Act XXIV. 1852, further repealed by Act XXXI. 1855.

I. It is hereby enacted, that Acts No. XXXII. of 1837 and No. V. of 1837 be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next, every person who shall make with any Native of India any contract for labour to be performed in any British or Foreign Colony without the Territories of the East India Company, or who shall knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees

for every Native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuances of such contract, or to any person who shall contract to serve as a Menial Servant only or who shall embark as such Menial Servant.

MADRAS.—CUSTOMS.—SUGAR.

ACT No. XV. OF 1839.

[*Passed on the* 10*th June*, 1839.

1. *Foreign Sugar or Sugar the growth of any British possession into which Foreign Sugar can be imported, landed or attempted to be landed, shall be confiscated. But Sugar, the growth of Bengal, &c. may be landed as heretofore.*

2. 3. *Any person in possession of Sugar the growth of the Madras territories, desirous of obtaining a Certificate of origin, shall make and subscribe declaration in form A. before the proper Officer. Such Officer shall grant Certificate in form B.*

4. 5. *Person intending to ship Sugar may produce before mentioned Certificate, and make and subscribe Declaration in form C. before proper Officer. Such Officer shall give Certificate in form D.*

6. *Any person knowingly in any such Declaration affirming an untruth shall be fined not exceeding* 5000 *Rupees, and imprisoned not exceeding* 2 *years.*

7. *Act to come into operation at the expiration of one year after passing.*

Schedule, A. B. C. D.

Repealed by Act XIX. 1854.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.
LAW REVENUE.

ACT No. XVI. OF 1839.

[*Passed on the* 10*th June*, 1839.

1. *Rules for regulating the Assessment and Collection of Rents payable to Government.*

2. *Land held not under a registered title from Government, and not declared free, shall be liable to assessment.*

3. *Collector may eject person holding land in manner aforesaid, if he refuse either to remove, or to engage for the land on requirement of Collector.*

4. *Magistrates, &c. to assist Collector in enforcing the power above given. Persons resisting, to be fined not exceeding* 1000 *Rupees, and in default of payment to be imprisoned not exceeding six months.*

5. *Collector may measure and assess and grant lease of waste and forest land to persons desirous of clearing and occupying &c. What to be done in case jungle is too dense, &c. to measure. Lease not to be granted for term exceeding* 20 *years; renewable on new terms for* 30 *years.*

6. *Collector may require applicant to set up good and solid landmarks by which the boundaries may be defined. Lease not to take effect until landmarks have been set up. Persons removing or defacing landmarks to be fined &c as specified in 4th Section.*

7. *Applications for land for longer term than* 20 *years, renewable for* 30, *to be forwarded to the Governor of Bengal.*

8 *Leases to be signed by the Collector; lease shall specify leaseholder's name, quantity, boundaries and rent; which particulars are to be registered.*

9. *Leases may be surrendered, for the purpose of having new one in subdivisional parcels of same property.*

10. (1.) *Rent to be paid at the Collector's Office, &c.*

(2) *When rent is in arrear, Collector shall demand payment in writing within* 15 *days, by notice, stating amount due, and that it will be recovered with costs under this Act.*

(3.) *Notice to be served on the occupier, at his place of residence, or by being stuck up on the premises.*

(4.) *One Rupee to be charged for service of Notice.*

(5.) *If arrears are not paid, the Collector may issue attachment against personal property, effects and crops of defaulter, and after* 5 *days may sell same.*

(6.) *Attachment to be made by Officer specially deputed. Mode of making the attachment.*

(7.) *Two rupees to be paid for attachment whether sale takes place or not.*

(8) *If arrear not realized by above means, the land itself may be sold.*

(9.) *Manner in which land shall be brought to sale. Sale to be advertised by Notice in Collector's Office and in Court of Justice. Sale to be by Public Auction, in presence of Collector, to highest bidder. Surplus, after payment of arrears with interest at* 12 *per cent. and costs, to be paid to defaulter. Collector to make Title to Purchaser, and put him in possession, and to notify the result, &c. Person offering cancelled lease, &c. to be fined not exceeding* 500 *Rupees, and in default of payment imprisoned not exceeding* 4 *months. Persons resisting sale to be fined* 1,000 *Rupees and in default of payment imprisoned not exceeding six months.*

(10.) *Collector shall deduct from proceeds of sale* 2 *Rupees for advertisement and one per cent. for expense of sale.*

(11) *Any person interested in the property may prevent sale by payment of arrears of rent, with interest and expenses.*

(12.) *The Summary process to apply only to arrears which have accrued within one year.*

(13. 14.) *Any person who disputes the justice of the demand or attachment may, at any time before sale, state his objection to the Collector, and afterward may petition any Civil Court of competent jurisdiction for redress, and the sale meanwhile shall be stayed. Party petitioning must pay arrear, interest and costs into Court, or give Security.*

11. (1. 2) *In case of mutation of title, by act of party or by succession, the transferree shall apply at the Collector's Office, with the original title, and the deed of transfer or other new title, whereupon the change of title shall be registered.*

(3.) *No change of title shall be registered until the Collector has ascertained that the boundaries are defined by proper landmarks. Registered owner to maintain landmarks, or in default to pay three times the cost of making or repairing them.—Officers of Government to have free access to inspect landmarks, &c.*

(4.) *Establishes Registry Fee of four rupees; one rupee to be paid for inspecting Register, and two for certified extract from Register.*

(5.) *Registry not to be proof of change of title. No deed to be valid unless it is registered.*

I. It is hereby enacted, that from the first day of January, in the year of our Lord 1840, the following Rules shall be in force for regulating the assessment and collection of the rents payable to Government in the Settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared by competent authority free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for or to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part

of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his Officers in the due exercise of the power of ejectment conferred upon the said Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding 1,000 Rupees, or, in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlement aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture, shall make application to the Collector of Land Revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date and all essential particulars shall be entered in a Register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent to a Collector to grant any lease of lands for a term exceeding twenty years, renewable on such

conditions as the Governor of Bengal may direct for a further period of thirty years.

VI. And it is hereby enacted, that upon granting any lease under the Provisions of the foregoing section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector to be Certified by him on the back or other part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in subsantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the Collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his Officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the IV. Section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the Settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the Provisions of this Act shall be signed by the Collector for the time being, and shall specify the name of the lease-holder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum; which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a Register to be kept in the Collector's Office for that purpose.

IX. And it is hereby enacted, that it shall be lawful for the

Collector to accept on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of subdividing the same, and to re-grant or lease the same in parcels. Provided that no such subdivision shall be allowed unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so subdivided, shall a less rent than one rupee per annum be leviable.

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within any of the Settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the Office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment, and to seize, by virtue of such attachment, as well the personal property of the holder or occupier as also any effects or any crops to whomsoever belonging which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's Office or elsewhere, five days previous notice of such sale being stuck up at some conspicu-

ous spot, and at the place where it is intended to bring the crop or other property to sale.

Clause Sixth.—The attachment shall be made by an Officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said Officer to require the assistance of the Police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the Second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's Office, and in a Court of Justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by Public Auction, in the presence of the Collector, the highest bidder shall be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale, or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase money, the purchaser shall receive from the Collector a title-deed corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars; and the Collector shall forthwith put the purchaser in possession of the

land so transferred, requiring for that purpose the aid of the Police, if needful. The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fradulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred Rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the Officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section IV. of this Act.

Clause Tenth.—It shall be lawful for the Collector before the payment of any surplus to deduct as part of the costs incurred by the sale two Rupees for the advertisement, and one per cent. on the net proceeds of the sale authorized by the foregoing Clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause Eleventh.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expenses incurred to the Collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Clause Twelfth.—Provided, that the summary process authorised by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertised for sale, at any time, before

the sale thereof, to represent his objections to such demand, attachment or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take cognizance of his complaint; and the Court, after hearing the Collector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's Office, the whole amount of the arrears of rent demanded, together with interest and legal expenses incurred, or unless such party shall give substantial security to the satisfaction of the Civil Court for making good the award that may be ultimately passed in the case.

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's Office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the Collector's Office, or, in case of successions, the Probate or Letters of Administration, together with the Original Will, if any or a Copy thereof, after which, notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the Register in a clear and distinct form.

Clause Third.—No. mutations of title to lands shall be registered until the Collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and

substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector: the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the Officers of Government for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such Officers, shall be liable to the penalties prescribed in Section IV. of this Act.

Clause Fourth.—It shall be lawful for the Collector to demand and receive on the part of Government, a fee to meet the charges attending the registry, of four Rupees, and of one Rupee for inspecting the Register, and of two Rupees for granting a Certified Extract from the Register.

Clause Fifth.—The Registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land, which may be executed after the first day of January in the year of Our Lord 1840, shall be admitted to be valid by the Officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, unless the same shall have been registered in the Collector's Office in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land until so registered.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

POST OFFICE ACTS.

ACT No. XVII. OF 1839.

[*Passed on the 1st July*, 1839.

Modifies so much of Sections 6 and 14 of Act XVII. 1837, as fixes Postage Duties according to Schedules A. and B. and empowers the Governor General of India in Council to alter but not increase them.

Repealed by Act No. XVII. 1854.

THUGGEE.

ACT No. XVIII. OF 1839.

[*Passed on the 15th July*, 1839.

Person accused of murder by Thuggee, or of unlawfully receiving or buying property stolen or plundered by Thuggee, may be tried in any Zillah.

It is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing contained in any Regulation or Regulations to the contrary notwithstanding. [By whom persons so accused may be committed, see Act No. XVIII. of 1837. By Act XXIV. 1843 the above provision is extended to persons concerning the perpetration of dacoity.]

BOMBAY.—CRIMINAL TRIALS.

ACT No. XIX. OF 1839.

[*Passed on the 22d July*, 1839.

Modifies Clause 5, Section 13, Regulation 13, 1827. Not necessary to refer to the Sudder Foujdaree Adawlut, cases in which the convict is liable to more than two years' imprisonment.

It is hereby enacted, in modification of Clause 5th Section XIII. of Regulation XIII. of 1827, of the Bombay Code, that all sentences passed by an Assistant Session Judge whereby a convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the Ses-

sion Judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in Clause 2nd of the Section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdaree Adawlut.

BOMBAY.—REVENUE.

ACT No. XX. OF 1839.

[*Passed on the 29th July*, 1839.

1. *Governor of Bombay may prohibit the levy of hucks and fees and customs by holders of rent-free lands or other persons, and of alienated shares of revenue after its abolition.*

2. *Legalizes past orders of Governor. Future orders under this Act not to be questioned in Court of Law.*

3. *Any person levying huck, fee, customs, or revenue, after order to abolish, shall be punishable as for undue exaction under Regulation* 17, 1827.

I. It is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued or of any orders which conformably with this Act hereafter shall be issued by the Governor in Council of Bombay for prohibiting the levy of any such hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any Court of Law.

III. And it is hereby enacted, that whoever shall levy any such huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed, or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section 16, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government.

CALCUTTA AND RIVER HOOGHLY.—JUSTICES OF PEACE.

ACT No. XXI. OF 1839.

[*Passed on the 26th August,* 1839.

1. *Annuls the authority of Justices of the Peace to sentence for felonies under any Bye-Law for Calcutta, and repeals an ordinance passed* 16*th July,* 1814, *registered in Supreme Court* 11*th November, same year.*

2. *Justice of Peace may try persons for simple larceny, if property does not exceed* 20 *Rupees.*

3. *But Justice of Peace shall not sentence to more than six months' imprisonment.*

4. *Justice of Peace may send such simple larcenies for trial to the Supreme Court.*

5. *Form of Judgment to be used by Justices of Peace in cases of simple larceny.*

6. *Justice of Peace once every term, and oftener if required, to return his judgments and depositions and examinations to the Supreme Court.*

7. *Justice of Peace to have witnesses sworn &c. and to have depositions reduced into writing.*

8. *Persons refusing to attend or be examined before Justice of Peace, shall be punished by Supreme Court.*

9. *Justice of Peace may order restitution of stolen property, and impose a fine in case his order for restitution is not complied with, and may imprison in default of payment of the fine.*

10. *Persons charged with commission of assault or battery on the Hooghly or the mouths thereof, may be tried by Justice of Peace and fined not exceeding* 100 *Rupees.*

11. *Saves the right to a Certiorari.*

An act for the trial of prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly.

Repealed by Act XIII. 1856.

SUPREME COURTS.—PRISONERS' COUNSEL.

ACT No. XXII. OF 1839.

[*Passed on the 9th September,* 1839.

1. *Recites the expediency of extending to India the provisions of* 6 *and* 7 *William* 4, *Chapter* 114, *(The Prisoners' Counsel Act) and enacted that all persons tried in any of Her Majesty's Courts may make full answer and defence by Counsel.*

2. *Enacts the like in cases of summary conviction by Magistrate within the limits of Her Majesty's Supreme Courts.*

3. *All persons held to bail or committed to prison entitled to have copies of depositions on payment of a reasonable sum for them: but they must be demanded before the commencement of the Sessions.*

4. *All persons under trial are entitled at time of trial to inspect, without fee, all depositions taken against them.*

Act XXXVIII. 1850 is entitled An Act to allow Counsel to all persons on the trial of offences and is an extension of the privilege created by this Act to all Courts.

An Act for enabling persons charged with offences to make their defence more effectually.

Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the statute 6th and 7th William IV. Chapter CXIV.

I. It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of Justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Courts of Justice where Attorneys may practise as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnesses examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail or committed to prison, for any offence against the law for which they are to be tried before any of Her Majesty's Courts of Justice, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is thereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, to be fixed by such Courts respectively. Provided always, that if such demand shall not be made before the day appointed for the commencement of the Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examina-

tion of witnesses, unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial to inspect, without fee or reward, all depositions or Copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

COURTS MARTIAL.

Repealed by XXIX of 1861

ACT No. XXIII. OF 1839.

[*Passed on the 23rd September*, 1839.

In all cases in which Court Martial may sentence Soldiers of the Native Army to dismissal, such Soldier may be sentenced to be imprisoned not exceeding two years, if sentenced by General Court Martial; not exceeding six months if sentenced by Regimental or Detachment Court Martial, and after imprisonment, such Soldier may be dismissed.

An Act for authorizing sentences of imprisonment with or without hard labor by Courts Martial in certain cases.

It is hereby declared and enacted, that in all cases in which, by a General Order of the Governor General of India in Council dated the 24th of February in the year of our Lord 1835, it is made competent for Courts Martial to sentence soldiers of the Native Army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such soldiers to be imprisoned with or without hard labor for any period not exceeding two years, if the sentence be pronounced by a General Court Martial, or not exceeding one year if the sentence be pronounced by a Garrison or Line Court Martial, or not exceeding six months if the sentence be pronounced by a Regimental or Detachment Court Martial. And every soldier so sentenced to imprisonment with hard labor for any period whatever, or to imprisonment without hard labor for any period exceeding six months, shall, after confirmation of his sentence, be dismissed from such service. Provided always, that

all sentences under this Act pronounced by any Court Martial inferior to a General Court Martial, shall require the confirmation of the General or other Officer Commanding the Division or Field Force to which the person convicted belongs. [By Act No. II. of 1840, it is made the duty of the Judge, Magistrate, Sheriff or other Officer in charge of any gaol to give effect to such sentence, on the offender being delivered into his custody, with a copy of the sentence.]

GANJAM AND VIZAGAPATAM.

ACT No. XXIV. OF 1839.

[*Passed on the 2nd October*, 1839.

1. *Repeals Act XXIII. of* 1836.

2. *Annuls the Rules for the Administration of Civil and Criminal Justice and the Collection of the Revenue in parts of the above districts.*

3. *Administration of Civil and Criminal Justice, &c. vested in the Collectors of those Districts, as Agents to the Governor of Fort St. George.*

4. *Governor in Council may prescribe Rules for the guidance of such Agent, and determine in what case an Appeal shall lie to the Fouzdaree Adawlut.*

5. *Gives the Fouzdaree Adawlut jurisdiction to decide cases so sent up to it.*

6. *Appeals from Agents to be tried in same manner as Appeals from Provincial Court.*

7. *Agents may commit by Warrant subject to Regulations. Commitment must be reported to the Governor in Council.*

8. *Governor in Council with consent of the Governor General in Council may alter the Tract of Jurisdiction under this Act within the aforesaid Districts*

Act XXI. 1845 s. 3 authorizes the appointment of an agent for any of these places.

An Act for the Administration of Justice and Collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam.

I. It is hereby enacted, that from the first day of December, 1839, Act. XXIII. of 1836 shall be repealed.

II. And it is hereby enacted that from and after the said first day of December 1839 the operation of the Rules for the Administration of Civil and Criminal Justice, as well as those for the collection of the Revenue, shall cease to have effect, except as hereinafter mentioned, within the undermentioned tracts of country at present included in the districts of Ganjam and Vizagapatam.

In the District of Ganjam.

Zemindaries.

Pauloor, Hoomanah, Becridee, Khullicottah, Pratapagery, Mohery, Vizeyanagur, Haulghur, Bramnorchee, Chegatee, Mundasa, Soorunghi, Jaradah, Jaluntra, Boodara Singhy, Dharacotah, Badagodah, Sareghur, Turlah, Purlah Khinedy.

Aumany Estates.

Goomsur, Sooradah, Askah, Pornary, Coorlaw.

In the District of Vizagapatam.

Ancient Zemindaries.

Vazeanagur, Bobelly.

Hill Zemindaries.

Jayapoor, Coorpam, Sungumirulsah, Chamadoo, Panchepentah, Andra, Saroapully, Bhomararum, Saloor, Mandoogole, Belgam, Maringhy.

Under Aumany.

Paleondah, Golcondah.

III. And it is hereby enacted, that the Administration of Civil and Criminal Justice (including the superintendence of the Police) and the collection and superintendence of the Revenues of every description, within the tracts of country specified in the foregoing Section which are now included in the District of Ganjam, shall be vested in the Collector of Ganjam, and within those which are now included in the District of Vizagapatam, in the Collector of Vizagapatam, and shall be exercised by them respectively as Agents to the Governor of Fort St. George.

IV. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to prescribe such rules as he may deem proper for the guidance of such Agents, and of all the Officers subordinate to their control and authority, and to determine to what extent the decision of the Agents in Civil suits shall be final, and in what Suits an appeal shall be to the Sudder Adawlut, and to define the authority to be exercised by the Agents in Criminal Trials, and what cases he shall submit for the decision of the Fouzdaree Adawlut.

V. And it is hereby enacted, that upon the receipt of any Criminal trials referred by either of the Agents under the Rules which may be hereafter prescribed by the Governor in Council, the Fouz-

daree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge on Circuit.

VI. And it is hereby enacted, that upon the receipt of any appeal from a decree of either of the Agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Provincial Courts.

VII. And it is hereby enacted, that each of such Agents as aforesaid shall have the power of making Commitments by Warrant under his hand, which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II. of 1819, of the Madras Code, provided that the third, fourth, fifth, sixth, and seventh Sections of that Regulation shall remain in force and be applicable to Commitments under this Act. Provided also, that in every case in which either of such Agents shall make any such Commitment, he shall transmit immediately a report to the Governor in Council of Fort St. George for his orders.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to make, from time to time, with the previous sanction of the Governor General of India in Council, such alterations in the limits of the Tracts within the aforesaid Districts placed under the jurisdiction of the said Agents respectively, as he may deem expedient.

BOMBAY.--COLLECTOR--MAGISTRATES.

ACT No. XXV. OF 1839.

[*Passed on the 25th November*, 1839.

Repeals Regulation 4, 1831, *clause* 4, *Section* 11, *and clause* 3, *Section* 27 *of Regulation* 16, 1827 ; *clause* 4, *Section* 16, *Regulation* 17, 1827 ; *clause* 2, *Section* 8, *Regulation* 12, 1827, *so far as they relate to the penal jurisdiction of Collectors as Magistrates. Offences specified in the said sections shall be cognizable by Magistrates, Assistant Magistrates, &c.*

An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831, be repealed, and that Clause 4, Section XI. and Clause 3, Section XXVII. of Regulation XVI. of 1827; Clause 4, Section XVI. of Regulation XVII. of 1827; and Clause 2, Section VIII. of Regulation XII. of 1827, of the Bombay Code, so far as they relate to the penal jurisdiction of Collectors as Magistrates, be repealed. Provided always, that the offences specified in the said Section, viz. Sections XI. and XXVII. of Regulation XVI. of 1827; Section XVI. of Regulation XVII. of 1827, and Section VIII. of Regulation XII. of 1827, shall be cognizable by Magistrates and Assistant Magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

BENGAL.--PUBLIC OFFICERS.

ACT No. XXVI. OF 1839.

[*Passed on the 2nd December*, 1839.

1. *Repeals such parts of Section* 10, *Regulation* 5, 1793; *and of Section* 10, *Regulation* 4, 1803 *as relate to charges of corruption; also Section* 8, *Regulation* 6, 1793; *Section* 8, *Regulation* 5, 1803; *clauses* 9, 10, 11 *and such other parts of Section* 9, *Regulation* 13, 1793 *as relate to Covenanted Servants; Section* 4 *and all the following Sections of Regulation* 8, 1806, *also Regulation* 10, 1806, *except so much thereof as relates to security &c required; also Regulation* 17, 1813; *Regulation* 8, 1817 *and Sections* 5 *and* 6 *of Regulation* 8, 1825, *and all parts of Regulations extending the same.*

2. *If Court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or Sudder Board of Revenue, or Board of Customs, Salt and Opium see substantial grounds for making a formal inquiry into truth of charge of official misconduct in any Officer not removable without the sanction of Government, they shall propose articles for investigation to be submitted to Government of Bengal &c.*

3. *Any such charge may be made direct to the said Courts or Boards, who shall examine the complainant upon oath, &c. and require the accused to explain or reply, &c.*

4. *And such charge may also be made before Judge, Magistrate, &c. for misconduct committed within their jurisdiction, who shall examine the complainant &c. and transmit the deposition to the said Courts or Boards respectively as the case may, &c.*

5. *The said Courts or Boards shall not act upon such charge unless the person preferring the same shall make oath or affirmation that he believes the facts to be true.*

6. *The said Courts and Boards respectively may dismiss any such charge, and submit the same as provided in Section* 2 *of this Act.*

7. *The said Courts and Boards may require the person preferring charge to give security for his attendance and for due prosecution thereof.*

8. *If matters affecting any Officer appear in the course of proceedings before the said Courts or Boards, they may institute inquiry for the purpose of referring the same to the Governor of Bengal &c.*

9. *If the Governor of Bengal, &c. upon such reference shall concur with the authority making the reference, or if he deem it necessary to institute proceedings against Officer he shall appoint a Commissioner.*

10. *Commissioner to be guided by instructions from Governor of Bengal, &c. as to whether he is to act under the control of any other authority.*

11. *The Commissioner shall take the following Oath. Form of Oath.*

12. *Governor, &c. to determine whether the conduct of the prosecution shall be left to the accuser or be undertaken on the part of Government.*

13. *Commissioner after receiving plaint &c. shall call upon the accused for his reply; shall examine witnesses and receive documentary evidence, &c.*

14. *Commissioner under this Act to be vested with same powers as Zillah and City Courts, except that all compulsory process shall be served through the Zillah or City Judge.*

15. *At the close of the evidence the accused and accuser may record observations in support of their respective cases.*

16. *Commissioner to transmit proceedings to Government, with his opinion of the merits of the case.*

17. *The Governor, &c may, upon consideration of the Report of Commissioner, direct him to take further evidence, or give further explanation of his opinion, &c.*

18. *The Court or Board to which any report of a Commission may be submitted, &c. shall finally submit the whole of the proceedings with their opinion, to the Government.*

19. *When special Commission is appointed, the Governor, &c shall determine whether the accused shall be suspended, and if so, whether he shall draw the allowances of his Office.*

20. *The Governor, &c. will pass such decision as he deems most just, and if he deems it proper, may order accused to be brought to a public trial.*

21. *This Act not to repeal provisions contained in Section 26, Regulation 5, 1831 and Section 25 Regulation 9, 1833, respecting dismissal, &c. of Principal and other Sudder Ameens and Deputy Collectors. Governor may appoint Commissioner to enquire respecting alleged official misconduct of those Officers.*

Repealed by Act XXXVII. 1850.

CALCUTTA.—COURT OF REQUESTS.

ACT No. XXVII. OF 1839.

[*Passed on the 16th December*, 1839.

If the Defendant in any suit in any Court of the Zillah of the 24 Pergunnahs retire within the jurisdiction of the Court of Requests, that Court may

execute the Decree, if Decree is for a cause of action which would have been originally cognizable by such Court.

By Act IX. 1850 the Small Cause Court Act is invested with all the powers before exercised by the Court of Requests.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnahs in certain cases.

Whereas execution of the decrees of the Courts of Justice of the Zillah of the 24 Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI. of 1812, of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the Judgments of the Court of Requests of the Town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any Court of Justice of the Zillah of the 24 Pergunnahs the Plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of Dewanny Adawlut, of the Zillah of the 24 Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like costs as are demanded for the execution of such Judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree, except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

BOMBAY.—BUILDING ACT.

ACT No. XXVIII. OF 1839.

[*Passed on the 16th December*, 1839.

1. *Repeals the first twelve articles of Regulation 3, 1812, and the 18th, 25th and all following articles of the same Regulation; also the 1st, 2nd, 5th and 7th articles of Regulation 3, 1815.*

2. *Persons intending to build within 25 feet of any public road, &c. shall, before commencing, obtain from Collector a Certificate of the ground intended to be used, and from the Surveyor on indorsement on such Certificate of the nature of the work intended.*

3. *Surveyor shall indorse the Certificate, if he is satisfied that the intended building, &c. are in compliance with the provisions of this Act, &c. Person aggrieved by the withholding of indorsement may Appeal to Petty Sessions.*

4. *Deviation from original plan not to be allowed, without sanction of Surveyor, &c.*

5. *Building, &c. commenced without certificate, or contrary to, offender shall be fined not exceeding* 500 *Rupees.*

6 *Whoever shall alter certificate without sanction of Collector, &c., or alter indorsement, &c., shall be fined not exceeding* 500 *Rupees, or imprisoned not exceeding* 4 *calendar months.*

7. *No building within Bombay, shall be erected higher than* 50 *feet from surface of street to the roof.*

8. *No cudjans, or other inflammable material shall be used in external roof or walls, &c. Offenders to be fined not exceeding* 500 *Rupees.*

9. *No building shall be erected so as to destroy, injure, &c. the water-courses or drainage of the Island. Surveyor may give notice to discontinue works injurious, &c. to water-courses, &c. and thereupon such work shall be discontinued. Party aggrieved may appeal to Petty Sessions. Persons not discontinuing such works shall be fined not exceeding* 500 *Rupees.*

10. *In case the Petty Sessions deem any works will destroy, &c. any of the water-courses or drainage, it shall order their discontinuance and removal, &c. Owner, &c., not obeying such order shall be fined not exceeding* 500 *Rupees, and work shall be removed by Surveyor.*

11. *Surveyor may give notice to discontinue work and remove buildings which are not according to the provisions of this Act: And if notice is not complied with, the offender shall be fined not exceeding* 500 *Rupees. Surveyor may cause work to be removed, and may sell the materials. Party aggrieved may appeal to Petty Sessions.*

12. *Person rebuilding any building of which any part is within* 25 *feet of any public road, &c., shall if required carry it back and be entitled to compensation.*

13. *What shall be a rebuilding within the meaning of the last Section.*

14. *If steps project into any public road, &c., the part covered by such steps shall not be considered as given up under this Act.*

15. *Petty Sessions with sanction of Governor may require any ground to be given up for purpose of widening, &c., any public road, &c.*

16. *Wherever ground given up is private property, Surveyor shall value the private interest. Amount shall be offered to the owner, and if accepted, the Petty Sessions shall become the legal owner of the said ground.*

17. *If money offered is refused, a jury shall value the property for which compensation is to be given.*

18. *Sheriff to summon* 24 *persons, twelve of whom shall be a jury. Persons not appearing, to be fined not exceeding* 200 *Rupees.*

19. *Sheriff to be allowed* 10 *Rupees for his Warrant, and* 4 *for his Return, and* 15 *for attending at the Petty Sessions, to be paid out of the County fund if the valuation by the jury exceeds the original offer, and by the party if it is the same or less. Costs which the Petty Sessions may be entitled to receive shall be recoverable like fine or penalty.*

20. *Compensation under this act shall be paid out of County fund.*

21. *In case of conflicting claims to property for which compensation is payable, such compensation shall be paid to Accountant General for the party entitled by judgment of the Supreme Court.*

22. *Surveyor shall give notice to take down or remove any gallery, balcony, roof, &c., which shall overhang or encroach on any public road, &c.: and if not removed in* 15 *days, Surveyor may remove it, and sell the materials, and person disobeying the notice shall be fined not exceeding* 500 *Rupees. Party may appeal to Petty Sessions. Tiled roofs, &c. shall be allowed to project* 2 *feet.*

23. *Surveyor with approbation of Petty Sessions, may permit owner, &c., to project tiled roofs from upper Stories to extent of* 3 *feet over any public street, &c.*

24. *Surveyor may order any scaffoldings to be masked, persons not obeying such order shall be fined not exceeding* 500 *Rupees.*

25. *Tiles of roofs to be properly secured. Occupier not securing tiles after notice, shall be fined not exceeding* 500 *Rupees.*

26. *Surveyor may order gutter, &c. for catching water to be made. Non-compliance with order, punishable by fine not exceeding* 500 *Rupees.*

27. *If any building near a public street is in ruinous condition, the Surveyor may put up boarding for the safety of passengers, and give notice to occupier to repair, &c. the same, and, if not done, Surveyor may take down, &c the same, and sell materials; surplus of proceeds after paying expenses, to be paid to owner of house, or if not demanded by him to be added to the County fund.*

28. *If money produced by sale is insufficient to cover expenses, the deficiency shall be paid out of the County fund, and levied by distress on goods of the offender.*

29. *Land constituting part of any public road, beyond the town of Bombay, and becoming useless for that purpose, may be taken possession of by Collector under direction of the Governor in Council.*

30. *Head Builder &c. offending against this act, shall be fined not exceeding* 500 *Rupees.*

31. *All fines, &c incurred under this Act, shall be levied by distress warrant under hand and seals of* 2 *or more Magistrates, and paid to County fund. If no sufficient distress, offender may be committed for not exceeding* 3 *months.*

32. *Distress not to be unlawful by reason of irregularity, but party aggrieved may recover for special damage by action on the case.*

33. *Plaintiff not to recover, if sufficient amends had been tendered before action. Defendant may pay money into Court.*

34. *No action to be brought for any thing done in pursuance of this Act, until*

21 days after notice. Defendant may plead General Issue. Defendant to recover treble costs in case judgment is given for him.

An Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

Sections 2 to 14 both inclusive; and 22 to 34 both inclusive, were Repealed by Act XIV. 1856 and the Residue by Act VI. 1857.

DOWER.

ACT No. XXIX. OF 1839.

[*Passed on the 16th December,* 1839.

1. *Recites expediency of extending the new Dower Act (stat. 3 and 4 W. 4, c. 105) to the Territories of the East India Company. Interpretation of Words of the Act.*

2. *Widows to be entitled to Dower out of equitable Estates.*

3. *Seizin of the husband not necessary to entitle the widow to Dower.*

4. *Widow not entitled to Dower out of estates disposed of by husband, in his life-time, or by Will.*

5. *Right to Dower, to be subject to estates, interests, and charges created by husband, and also to his debts, incumbrances, contracts and engagements.*

6. 7. *Widow barred of Dower by declaration in deed of conveyance to, or any deed by, or will of, husband.*

8. *Right to Dower may be put under restrictions or conditions, by will of husband.*

9. *Devise of real estate by husband to widow, shall bar right to Dower, unless a contrary intention appears.*

10. *Bequest of personal estate of husband to widow shall not bar Dower.*

11. *Covenant of husband not to bar Dower may be enforced in Equity.*

12. *Legacies in satisfaction of Dower, to have priority before other Legacies.*

13 *Dower, ad ostium ecclesiæ or ex assensu partis, abolished.*

14. *Act not to extend to Widows married before, nor to wills, &c., made before July,* 1840.

15. *Act only to operate in relation to Dower.*

An Act for the Amendment of the Law relating to Dower.

Whereas it is expedient to extend the Amendments in the English Law of Dower contained in the Statute 3rd and 4th William IV. Chapter CV. to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Dower as it existed previously to the passing of the aforesaid Statute:

I. It is hereby enacted, that the words and expressions herein

after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "Land" shall extend to Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower,) and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

II. And it is hereby further enacted, that when a Husband shall die, beneficially entitled to any Land for an interest which shall not entitle his Widow to Dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of inheritance in possession, or equal to an Estate of inheritance in possession, (other than an Estate in joint-tenancy,) then his Widow shall be entitled in Equity to Dower out of the same Land.

III. And it is hereby further enacted, that when a Husband shall have been entitled to a right of entry or action in any Land and his Widow would be entitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her Husband shall not have recovered possession thereof; provided that such Dower be used for or obtained within the period during which such right of entry or action might be enforced.

IV. And it is hereby further enacted, that no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his life time, or by his Will.

V. And it is hereby further enacted, that all partial Estates and Interests, and all charges created by any disposition or Will of a Husband, and all debts, incumbrances, contracts, and engagements to which his Land shall be subject or liable, shall be valid and effectual as against the right of his Widow to Dower.

VI. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any land of her Husband, when in the Deed by which such Land was conveyed to him, or by any Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

VII. And it is hereby further enacted, that a Widow shall not

be entitled to Dower out of any Land of which her Husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the devise of Freehold Estates, he shall declare his intention that she shall not be entitled to Dower out of such Land or out of any of his Land.

VIII. And it is hereby further enacted, that the right of a Widow to Dower shall be subject to any conditions, restrictions or directions which shall be declared by the Will of her Husband duly executed as aforesaid.

IX. And it is hereby further enacted, that where a Husband shall devise any Land out of which his Widow would be entitled to Dower if the same were not so devised, or any Estate or Interest therein, to or for the benefit of his Widow, such Widow shall not be entitled to Dower out of or in any Land of her said Husband, unless a contrary intention shall be declared by his Will.

X. And it is hereby further enacted, that no Gift or Bequest made by any Husband to or for the benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower shall defeat or prejudice her right to Dower unless a contrary intention shall be declared by his Will.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any Husband not to bar the right of his Widow to Dower out of his Lands or any of them.

XII And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of equity, or of any Ecclesiastical Court by which Legacies bequeathed to Widows in satisfaction of Dower are entitled to priority over other Legacies.

XIII. And it is hereby further enacted, that no Widow shall hereafter be entitled to Dower *ad ostium ecclesiæ* or Dower *ex assensu patris.*

XIV. And it is hereby further enacted, that this Act shall not extend to the Dower of any Widow who shall have been or shall be married on or before the First day of July One Thousand Eight Hundred and Forty, and shall not give to any Will, Deed, Contract, Engagement, or Charge executed, entered into, or created before the said First day of July, One Thousand Eight Hundred and Forty, the effect of defeating or prejudicing any right to Dower.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in Land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

LAW OF INHERITANCE.

ACT No. XXX. OF 1839.

[*Passed on the 16th December,* 1839.

1. *Meaning of the words, "Land," "The Purchaser," "Descent" "Descendant," "Person last entitled," "Assurance." Words how to be construed with reference to Number and Gender.*

2. *Descent shall always be traced from the Purchaser. Last owner to be considered to be the purchaser, unless the contrary be proved.*

3. *Heir entitled under a Will shall take as Devisee. A limitation to a Grantor or his heirs shall create an estate by purchase.*

4. *Where heirs take by purchase under limitations to the heirs of their ancestors, the Land shall descend as if the Ancestor had been the purchaser.*

5. *Descent from a Brother or sister shall be traced through the Parent.*

6. *Lineal Ancestor may be heir in preference to Collateral persons claiming through him.*

7. *The Male line to be preferred.*

8 *The Mother of a more remote male Ancestor to be preferred to the Mother of a less remote Ancestor.*

9. *Half blood, if on the part of a male Ancestor, to inherit after the whole blood of the same degree, if on the part of a female Ancestor, after her.*

10. *After the Death of a person attained, his descendants may inherit.*

11. *Act not to extend to any descent before the 1st July,* 1840.

12. *Limitations made before the 1st July,* 1840 *to the Heirs of a person then living, shall take effect as if this Act had not been made.*

13. *Act only to extend to Inheritances subject to English Law.*

An Act for the amendment of the Law of Inheritance.

Whereas it is expedient to extend the amendments, in the English Law of Inheritance contained in the Statute 3d and 4th William IV. Chapter CVI. to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute:

I. It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act except where the

nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other Hereditaments, whether corporeal or incorporeal, and whether Freehold or of any other Tenure, and to money to be laid out in the purchase of land, and to Chattlels and other personal property transmissible to Heirs, and also to any share of the same Hereditaments and Properties or any of them, and to any Estate of Inheritance or Estate for any Life or Lives, or other Estate transmissible to Heirs, and to any Possibility, Right, or Title of Entry or Action, and any other Interest capable of being inherited, and whether the same Estates, Possibilities, Rights, Titles, and Interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the Purchaser" shall mean the person who last acquired the Land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the Land shall have become part of or descendible in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the Heir shall be an Ancestor or Collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any Ancestor shall extend to all persons who must trace their descent through such Ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the Rents and Profits thereof; and the word "assurance" shall mean any Deed or Instrument other than a Will by which any Land shall be conveyed or transferred at Law or in Equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

II. And it is hereby further enacted, that in every case descent shall be traced from the Purchaser, and to the intent, that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the Land shall, for the purposes of this Act, be considered to have been the Purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he

inherited the same shall be considered to have been the Purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the Land shall be proved to have been inherited shall in every case be considered to have been the Purchaser unless it shall be proved that he inherited the same.

III. And it is hereby further enacted, that when any Land shall have been devised by any Testator who shall die after the First day of July One Thousand Eight Hundred and Forty, to the Heir or to the person who shall be the Heir of such Testator, such Heir shall be considered to have acquired the Land as a Devisee and not by descent; and when any Land shall have been limited by any assurance executed after the said First day of July One Thousand Eight Hundred and Forty, to the Person or the Heirs of the Person who shall thereby have conveyed the same Land, such Person shall be considered to have acquired the same as a Purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former Estate or part thereof.

IV. And it is hereby further enacted, that when any person shall have acquired any Land by Purchase under a limitation to the Heirs or to the Heirs of the body of any of his Ancestors, contained in an assurance executed after the said First day of July One Thousand Eight Hundred and Forty, or under a limitation to the Heir or to the Heirs of the body of any of his Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said First day of July One Thousand Eight Hundred and Forty, then and in any of such cases such Land shall descend, and the descent thereof shall be traced as if the Ancestor named in such limitation had been the Purchaser of such Land.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the Parent.

VI. And it is hereby further enacted, that every lineal Ancestor shall be capable of being Heir to any of his issue, and in every case where there shall be no issue of the Purchaser, his nearest lineal Ancestor shall be his Heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal Ancestor, or in consequence of there being no

descendant of such lineal Ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal Ancestor to any of his issue, other than a nearer lineal Ancestor or his issue.

VII. And it is hereby further enacted and declared, that none of the Maternal Ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his Paternal Ancestors and their descendants shall have failed; and also that no female Paternal Ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male Paternal Ancestors and their descendants shall have failed; and that no female Maternal Ancestor of such person or any of her descendants, shall be capable of inheriting until all his male Maternal Ancestors and their descendants shall have failed.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male Paternal Ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male Paternal Ancestors, or her descendants, shall be the Heir or Heirs of such person, in preference to the mother of a less remote male Paternal Ancestor, or her descendants; and where there shall be a failure of male Maternal Ancestors of such person, and their descendants, the mother of his more remote male Maternal Ancestor, and her descendants, shall be the Heir or Heirs of such person in preference to the mother of a less remote male Maternal Ancestor, and her descendants.

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his Heir, and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common Ancestor shall be a male, and next after the common Ancestor where such common Ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

X. And it is hereby further enacted, that when the person from whom the descent of any Land is to be traced shall have had any relation, who, having been attainted, shall have died before

such descent shall have taken place, then such attainder shall not prevent any person from inheriting such Land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such Land shall have escheated in consequence of such attainder before the First day of July One Thousand Eight Hundred and Forty.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of July One Thousand Eight Hundred and Forty.

XII. And it is hereby further enacted, that where any assurance executed before the said First day of July One Thousand Eight Hundred and Forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the Heir or Heirs of any person under which the person or persons answering the description of Heir shall be entitled to an Estate by purchase, then the person or persons who would have answered such description of Heir, if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as Ancestor shall or shall not be living at the time aforesaid.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of Land, which are not subject to the English Law of inheritance, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

OFFENCES AGAINST THE MINT.

ACT No. XXXI. OF 1839.

[*Passed on the 23rd December*, 1839.

1. *Any person fraudulently clipping, filing, drilling, defacing, or debasing any gold or silver Coin, &c shall be guilty of felony, and liable to be transported for life or any term of years, or to be imprisoned not exceeding 4 years.*

2. *Natives of the East Indies, not born of European parents, not to be transported to the Eastern coast of New South Wales or the adjacent Islands.*

3. *Act to extend only to persons and places under the jurisdiction of Her Majesty's Courts.*

An Act for remedying certain defects in the Statute 9th George IV. Ch. 74, relating to the Coin.

Whereas it is expedient to remedy certain defects in the

Statute 9th George IV. Ch. 74, of which the inconvenience is particularly experienced relating to injuries to the Coin.

I. It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver Coin issued from any Mint of the East India Company, or usually received as money in any part of the Territories under the Government of the East India Company, with intent to make the Coin so clipped, filed, drilled, defaced, or debased, pass for the current gold or silver Coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majesty's Courts of Justice within the Territories under the Government of the East India Company extends, but not further, or otherwise.

INTEREST.

ACT No. XXXII. OF 1839.

[*Passed on the 30th December*, 1839.

Upon all debts &c. the Court may allow interest at the current rate, from the due day when such debts &c. were payable by virtue of a written instrument. or, if payable otherwise, from time of demand of payment and notice that interest will be required.

An Act concerning the allowance of Interest in certain cases.

Whereas it is expedient to extend to the Territories under the Government of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3d and 4th William IV. Chapter 42, Section 28, concerning the allowance of interest in certain cases:

I. It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law. [Act XXVIII, 1855 repeals the usury Laws but does not affect this Act.]

MADRAS.—FOUJDAREE UDALUT.—FUTWA.

ACT No. I. OF 1840.

[*Passed on the 27th January*, 1840.

A Futwa in cases referred to the Fouzdaree Udalut not necessary But nevertheless, case to be determined according to Mahometan Law.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras.

Whereas the dispensing with a Futwa, in cases referred to the Court of Fouzdaree Adalut at Madras, will be attended with great convenience, and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law:—It is, therefore, hereby enacted, that in Trials referred to the said Court of Fouzdaree Udalut at Madras, that Court shall not be required to take a Futwa from their Law Officers. Provided always, that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which, before the passing of this Act, would have been determinable according to that Law by the said Court.

COURTS MARTIAL.

Repealed by XXIX of 1861

ACT No. II. OF 1840.

[*Passed on the* 10*th February*, 1840.

Judge, Magistrate, Sheriff or other Officer in charge of Gaol, to give effect to sentences of Courts Martial, on delivery of the Offender with a Copy of his sentence.

An Act for regulating the execution of sentences of imprisonment passed by Courts Martial in certain cases.

I. It is hereby declared and enacted, that whenever under Act No. XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprisonment with labor, for any offence, it shall be the duty of every Judge, Magistrate, Sheriff or other officer in charge of any Gaol, to give effect to such sentence on the offender being delivered into his Custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Garrison, Regiment or Detachment, as the case may be, to which the offender belongs.

BANK OF BOMBAY.

ACT No. III. OF 1840.

[*Passed on the* 17*th February*, 1840.

1. *Such persons named in Schedule as have paid up their Capital shall together with the Governor in Council, &c. be a Corporation by name of the Bank of Bombay.*

2. *Capital Stock of Bank to be not less than* 50 *Lakhs of Rupees, nor (except, &c.) more than* 56, *whereof* 3 *shall be the property of the Governor in Council. Persons named in Schedule to be proprietors, if their subscribed Stock is paid up before the* 1*st of April, together with others who may be admitted before the* 1*st May. Names of those who have not paid up to be cancelled, but not so as to reduce the Stock below* 50 *Lakhs. Lapsed shares to be sold for and passed to credit of Bank.*

3. *Governor General may authorize the Capital to be increased, allowing the Proprietors* 12 *months to fill up the Capital among themselves, &c.*

4. *Shares to be* 1,000 *Rupees each, and numbered: shares from No.* 1 *to* 300 *shall be the property of the Governor in Council.*

5. *Notification to be made of Government Shares of Stock being paid up, and of names of Proprietors who have paid up. Bank to begin business from date of notification. Bank may sue and be sued by Corporate name, use a Common Seal, and acquire and transfer any description of property.*

6. *First subscriptions to be paid to Sub-Treasurer of the Government, and by him held as a deposit, until notification, when he will deliver the amount to the Directors.*

7. *Directors shall deliver a certificate, signed by 3, to each Proprietor either for each share separately or for all his shares, or for any number.*

8. *No Proprietor to increase his Stock beyond one lakh and sixty thousand, except in case of increase of Capital Stock, in which case he may subscribe to increased Stock, in rateable proportion, and except by succession, bequest, or marriage.*

9. *Shares to be personal estate transferable by endorsement under the hands of the Proprietor or his agent. Endorsement not to be effectual unless registered. Registration to be noted on endorsement.*

10. *The Corporate body shall consist of the registered Proprietors for the time being.*

11. *Business of Bank shall be managed by nine Directors, three to be appointed by the Governor in Council, and six by the Proprietors at a General Meeting, and removable in same manner.*

12. *Directors of Bank to be three persons appointed by Governor in Council and six by shareholders. Twelve shares to qualify for office of Director. Shareholders to vote in person or by proxy.*

13 *Two of the six Directors to go out annually by rotation. Outgoing Directors may be re-elected.*

14. *In case of death, resignation or absence from Bombay for more than three months, General Meeting to be called to elect a successor.*

15. *Directors' qualification to be twelve shares. Director of any Bank issuing notes payable on demand not to be a Director.*

16. *Elections, &c. to be decided by a majority of votes. No person allowed to vote in respect of any share acquired by transfer, &c. except by act of Law, unless transfer made six months before tender of vote.*

17. *Scale according to which Proprietors shall vote.*

18. *Governor may vote by proxy, except upon the election or removal of Proprietors and Directors.*

19. *Proprietors may vote at General Meeting by proxy either general or special.*

20. *Directors to choose a President from among themselves, &c. who shall have a casting vote.*

21. *Three Directors at least necessary to form a Board; Directors to establish a weekly rotation among themselves.*

22. *All accounts and instruments not under seal, except Cash Notes, shall be signed by three Directors Bank Seal not to be affixed, except in presence of three Directors, who shall also sign.*

23. *Directors may appoint Officers to conduct the business of the Bank and to fix the salaries, but the whole establishment not to exceed Rupees 60,000 without the authority of a General Meeting.*

24. *Secretary, Treasurer, Head Accountant, &c. not to engage in business on his own account as agent.*

25. *Bank shall be engaged only in the kind of business specified in this Se tion.—Kind of business.*

26. *Bank shall neither discount, nor make loans, unless it has Cash equal t one-fourth of debts payable on demand.*

27. *Bank not to discount Security having more than three months to run, no lend for longer period than three months, nor lend on Bank shares, nor on mort gage, nor on any security having less than two firms or individuals responsibl upon it, beyond three Lakhs. Advances on Government Securities excepted.*

28. *Directors to make no loan except as above described, except on deposit of Public Securities to the full amount of the loan, &c.*

29. *Bank shall not be in advance to Government more than 7½ Lakhs.*

30. *No person to be suffered to over draw his account.*

31. *Bank may issue Promissory Notes payable on demand or not exceeding* 30 *days' sight; but total amount in circulation not to exceed two Crores of Rupees. No notes to be for less than ten Rupees.*

32 *Bank not to make. &c any note, &c payable out of the limits of India.*

33. *Goods not of a perishable kind may be received in deposit.*

34. *Bank Books to be balanced on the* 30*th June and December. Balance sheet to be transmitted to one of the Secretaries of Government, &c.*

35. *An account of the profits shall be taken on the* 1*st January and July, and dividend made as soon after as conveniently can, &c.*

36. *General Meeting to be held first Monday in August for receiving statement of affairs, &c.*

37. *Three Directors or ten Proprietors may convene a General Meeting upon giving* 15 *days' notice.*

38. *Branch Banks may be established with sanction of Governor in Council.*

39. *Dividends may be retained in payment of debts from Shareholders. Bank may refuse to register transfer of share of person indebted to Bank, and may sell share in satisfaction of debt.*

40 *Bank as now constituted to continue till April* 1837, *but not to be dissolved then or afterwards, except upon application or consent of Bank. Privileges to be forfeited if Bank suspends Cash payments.*

For the Incorporation of a Bank at Bombay.

Whereas the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, have sanctioned the Establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have directed the body of Proprietors in existence at the date of the dispatch which contained the said sanction for the incorporation of a Bank of Bombay to be the Proprietors in whose favor the Act of Incorporation is to be passed:—

I. It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of Capital Stock subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful for the Governor General of India in Council, at any time before the 1st May next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall in amount not be less than Fifty Lakhs of Rupees, nor, unless increased as hereinunder provided, more than Fifty-six Lakhs, whereof Three Lakhs of Rupees shall be the property of the Governor in Council of Bombay, and the persons whose names are in the Schedule hereunto annexed, shall, provided that the amount of Stock subscribed for by them be paid up on or before the 1st April next, be proprietors of the shares of the said Capital Stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the Stock to which they may be so admitted upon or before the said 1st May next. And if any of the Proprietors named in the said Schedule shall not have duly paid up in full the amount of Capital Stock to which he or they are entitled, the shares of such Stock that may be so unpaid, (provided that the total amount that may so lapse do not reduce the Capital Stock of the Bank below the sum of Fifty Lakhs of Rupees,) shall be cancelled. And if the lapsed shares cause the aggregate of the Capital Stock to be less than Fifty Lakhs of Rupees, then so much

Stock as may be necessary to complete that sum, shall be sold by public Auction in Lots of One Thousand Rupees, on such date not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the Capital Stock, shall be passed to credit as a profit at the disposal of the Bank.

III. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital, as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of new stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor General in Council may seem fit, for the disposal of the amount of new stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall be divided into shares of One Thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the Proprietors who may pay up the same, and no separate interest or share in the Stock of the said Bank of less amount than One Thousand Rupees shall be created or held by any Proprietor, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of One Thousand Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than One Thousand rupees.

V. And it is hereby enacted, that on the said 1st day of April 1840, or on some early day after that date, the Governor in Council of Bombay shall notify in the Official Gazette of that Presidency, that the Government share of the Capital Stock of the Bank of

Bombay has been paid up, and shall publish in the said Gazette a list of the Proprietors by whom the shares of the said Capital Stock subscribed for by them respectively have been paid, and the Bank of Bombay being incorporated as above provided, shall, from the date of such notification, be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall, from time to time, appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the Capital Stock shall be made to the Sub-Treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

VII. And it is hereby enacted, that after the said delivery of the amount of Capital Stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be cancelled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

VIII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of One Lakh and Sixty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council, in the manner prescribed in Section III. of this Act; in which case any Proprietor holding Stock to the full amount of One Lakh and Sixty Thousand Rupees shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable

proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement, under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said Corporate body of the Bank of Bombay shall consist and be composed of the Registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor in Council of Bombay and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule annexed to this Act, and who, being entitled to not less than twelve shares or Twelve Thousand Rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public Notification in the Official Gazette of that Presidency: and the election shall be made by the persons who, according to the Schedule hereunto annexed, may be entitled to shares of the Capital Stock of the Bank, and the

said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, as if they were Proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six Directors elected as provided in Section XII. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three months, or disqualification under Section XV. or removal as aforesaid of any Directors elected as provided in Section XII. or to be elected by the Proprietors after the incorporation of the Bank of Bombay, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right and unincumbered of twelve shares of 12,000 Rupees of the Capital Stock of the Bank of Bombay; or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Island of Bombay.

XVI. And it is hereby enacted, that at a General Meeting of the Proprietors every election, and other matter in question, shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase, or otherwise, than

by the Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:—

The Proprietor of	4	shares of	1,000 Rs.	shall be	entitled to	1 vote.
,,	20	,,	,,	,,	,,	2
,,	40	,,	,,	,,	,,	3
,,	60	,,	,,	,,	,,	4
,,	80	,,	,,	,,	,,	5
,,	120	,,	,,	,,	,,	6
,,	160	,,	,,	,,	,,	7

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year, they shall choose a President from among themselves, and if the Office of President shall become vacant, they shall, at their next meeting, choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the senior Director shall be Vice President for the time, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transac-

tion of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or Act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say:—

1st. The discounting of Negotiable Securities.

2nd. The keeping of Cash Accounts, including the realization of Dividends and interest on Government Securities to the credit of Constituents of the Bank.

3rd. Buying and selling of Bills of Exchange payable in India.

4th. The lending of Money on short loans.

5th. The buying and selling of Bullion.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no loan, unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses, or immovable Property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan, or in any other manner, (saving by loans upon the deposit of Government Securities, or goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees; Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of

Goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees; provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed Two Crores of Rupees, and provided also that no such Note shall be for a smaller amount than Ten rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order, for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay,

and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the

time being, as also by public advertisement in the Official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings; provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such Proprietors registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her constituted Agent, or by public advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said 1st day of April, 1847, the said Bank shall not, ex-

cept upon the application or by the consent of the said Bank, be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

Schedule of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	14	Brought forward,	436	Brought forward,	639
Atkinson, Hugh,	5	Byramjee Muncherjee,	1	Cogan, Captain R.	20
Ashburner, Luke,	75	Bonamy, Captain J.	23	Caldecott, John,	10
Ashburner, George,	75	Borradaile, H.	23	Clibborn, Capt. Thomas,	5
Anderson, C. W.	23	Baretto, Joao,	1	Coghlan, W.	9
Aganoor, James,	1	Beck, W. W.	1	Cardwell, Thomas,	10
Arnott, F. S.	1	Ball, H.	2	Collett, L. A.	9
Allan, Wm.	9	Bocarro, J. J.	1	Cursetjee Ardaseer,	75
Asponkerjee, Dossaboy,	1	Bird, James,	14	Cursetjee Ardaseer, Trustee to his Daughter,	75
Atmaram Kesson Bhandaree,	20	Bruce, W. C.	9	Cursetjee Cowasjee Banajee,	50
Aga Mohomed Currim	9	Brown, F. C.	9	Cowasjee Manookjee Billiah,	1
Aga Mohâmed Rahim Serazee,	23	Burt, Thomas William,	14	Cowasjee Manookjee Bhaudoop,	75
Anundrow Vencajee,	5	Burjojee Manockjee Chenae,	2	Cursetjee Cowasjee Bhadoop	50
Ardaseer Hormusjee Santook,	1	Bappoo Ragoonath Josey,	3	Cowasjee Hormusjee Mama,	5
Anundrow Ragoonathjee,	2	Bhasker, Sunderjee,	2	Cursetjee Dorabjee,	2
Anundro Gunput Senoy,	2	Byramjee Dadabhoy Cursetjilah,	3	Cursetjee Rustomjee	2
Ardaseer Framjee Dawar,	5	Byramjee, Solabjee Guzdeer,	9	Campbell, Major Neil,	9
Ardaseer Byramjee Fuckerjee,	2	Buchoobhoy Merwanjee,	3	Cowasjee Dhunjee,	2
Bagnold, Colonel M. E.	20	Bowany Sunker Ransord Senoy,	2	Cursetjee Nesserwanjee,	7
Bax, John,	11	Bomanjee Muncherjee Guzurat,	2	Chedanund Dennsejee,	1
Brown, F. C.	23	Bhimjee Dhunjee Woomrigur,	9	Cowasjee Eduljee Mody,	5
Bainbridge, J. H.	75	Caujee Chatoor,	14	Cristnath Narronjee,	9
Brooks, Colonel G. B.	9	Cowasjee Manikjee,	1	Cowasjee Framjee,	5
Barr, Colonel D.	20	Church, W.	50	Dickenson, Colonel	23
Barr, H. J.	3	Cowasjee Narrabhoy	5	Dadaboy Rutunjee,	4
Barr, J. T.	2				
Carried forward,	436	Carried forward,	639	Carried forward,	1102

Brought forward, 1102
Dinshaw Nanabhoy Damon, - 5
Davies, J. M. - 5
Doveton, Bazett, - 18
Dhunjeebhoy Cursetjee, - 5
Davidson, F. M. - 20
Dossabhoy Framjee Mama, - 5
Dinshaw Furdonjee, - 9
DeSilva, Mariana, - 1
DeJesus, Manoel, - 5
Don, James, - 9
Deos, Remedies Ignacio, - 2
Dorabjee Muncherjee, 3
Dossabhoy Merwanjee, - 5
Dossabhoy Cursetjee Wadia, - 5
Dossabhoy Jamsetjee, 5
DeSilla, Pascoal M. - 10
Dossabhoy Sorabjee Moonshee - 9
Dossabhoy Jamsetjee Wadia, - 5
Dent, C. R. - 9
Denhaw Hurmusjee Patell, - 2
Dhunjeeboy Merwanjee Wadia, - 5
Davidson, Duncan, - 2
Dedshaw Rustomjee, 3
Denshaw Dadaboy Gandee, - 1
Daughters, 6, of Framjee Cowasjee, - 27
Dadabhoy Pestonjee, 75
Egan, J. B. - 9
Elliot, A.W. - 2
Eisdale, D. A. - 8

Carried forward, 1371

Brought forward, 1371
Elliot, G. L. - 9
Earle, Captain E. M. - 1
Eunis, Captain E. M. 1
Edmond, Wm. - 18
Eduljee Framjee Coranee, - 3
Fraser, Simon, - 70
Framjee Nanabhoy, - 5
Frith, J. G. - 24
Fletcher, Alexander, as Trustee of Messrs. Fergusson, Turner and Co. - 75
Furdonjee Lunjee, - 10
Framjee Nasserwanjee, 9
Framjee Ruttonjee, - 19
Framjee Cowasjee, - 67
Foster, Captain Robert, - 9
Framjee Jewajee Gandena, - 9
Framjee Muncherjee Colah, - 9
Framjee Coonverjee, - 2
Framjee Nasserwanjee Patell, - 20
Fearon, Colonel P. - 23
Framjee Cowasjee, Mrs. - 14
Fraser, J. - 18
Fraser, H. B. (C. S.) - 14
Gordon, H. G. - 75
Graham, John, - 10
Greenhill, David, - 75
Grey, W. S. - 45
Gunput Bapsia Bhandaree, - 7
Gama, J. C. - 9
Griffith, Colonel J. G. 7
Gunputron Sudasoorjee, - 2

Carried forward, 2030

Brought forward, 2030
Gordon, Colonel G. T. - 23
Grand Children of Framjee Cowasjee, 18
Hunter, Walter, - 29
Hunter, W. F. - 20
Henderson, Capt. W. - 50
Henderson, Alex. - 9
Henderson, Dr. - 5
Hyslop, J. - 3
Hurmusjee Perstonjee Bottlewalla, - 2
Hormusjee Pestonjee, - 3
Hemson, John, - 1
Howard, Wm. - 10
Hormusjee Monockjee, Major, - 2
Hutchinson, Frederick, - 3
Heerjeebhoy Nursungjee, - 1
Hebbert, W. G. - 2
Hall, Capt. J. H. - 1
Hollings, Lieut. G. E. - 9
Hutt, B. Esq. - 2
Ironside, Hon'ble Edward, - 50
Ingle, H. - 3
Jehangeer Nasserwanjee Wadia, - 20
Jameson, Captain G. J. - 5
James, Col. C. B. - 15
Jeejeebhoy Dadabhoy, - 19
Jeejeebhoy Byramjee, - 2
Jehangeer Framjee Josawalla, - 9
Jehangeer Byramjee, 5

Carried forward, 2351

Brought forward, 2351
Jometjee Merwanjee Cacah, - 2
Jaganath Sunkersett, 68
Jehangeer Nesserwanjee Wadia. for his Sister Soneboy, 18
Jamsetjee Burjosjee, 1
Jehangeer Framjee Cowasjee, - 9
Jamardonjee Abbajee, 1
Kennett, Capt V. F. - 5
Keshow Runsordjee, - 5
Kennett, Col. B. - 9
Kennedy, R. H. - 9
Khemchund Hurcchund, - 5
Khemchund Moteechund, - 23
Luis, Thomas, - 1
Little, James, - 10
Lela Mohun Pasta, - 5
Landon, S. - 2
Larkins. J. P. . 23
Lindsay, - 22
Le Messurier, A. S. - 9
Langford, J. W. - 27
Lodwick, Colonel P. - 45
Lowjee Muncherjee Wadia, - 23
Loyola Ge Ignacio, - 1
Merwanjee Dadabhoy Wadia, - 14
Malcolm, Capt. Sir Charles, - 10
Moor, Major G. - 20
Mackie, Wm. - 50
Manokjee Nowrojee, - 10
Morris, W. R. - 37
Morgan, E. C. - 75
Madoo Narron, - 50
Murphy, R. X. - 14
Manockjee Nasserwanjee Petty, - 10

Carried forward, 2964

Brought forward, 2964
Mainwaring, W. - 6
Maut, G. J. - 5
Milne, John, Jr. - 21
McLeod, John, - 5
McDonald, J. M. - 25
Muncherjee Framjee Cama, - 45
Merwanjee Lunjee, - 5
Merwanjee Hormasjee, - 5
Muncherjee Burgorjee Mody, - 11
Muncherjee Hormasjee Cama, - 11
Merwanjee Khodabux, - 23
Morgan, Capt. W. - 18
Manockjee Cursetjee Jewajee, - 9
McCallum, Wm. - 9
McMahon, Capt. B. - 9
Mackinlay, Capt. J. H 36
Munro, C. G G. - 1
Munmohun Dass Davidass, - 18
Manockjee Cursetjee, 3
Madowrow Rogoonathjee, - 2
Murray, J. - 9
Mackenzie, Rebecca - 9
Moyle, J. G. - 9
Malvery, J. J. - 4
Moyle, Dr. A. - 9
Manockjee Muncherjee, - 1
Manockjee Lunjee, - 5
Merwanjee Framjee, - 4
Merwanjee Byramjee-Luckaree, - 1
Merwanjee Aspondiarjee, - 9
Miller, John, - 45
McLennan, John, - 23

Carried forward, 3359

Brought forward, 3359
Newport, Capt. C. - 50
Nesserwanjee Eduljee Paruck, - 2
Nicol, J. D. - 25
Nanabhoy Nowrojee, - 8
Nesserwanjee Nowrojee, - 18
Nowrojee Cowasjee, - 2
Nainsey Thackersay, - 5
Naylor, Capt. C. J. - 2
Norowjee Rustomjee Nadarshaw, - 4
Owen, H. F. - 33
Ogilvie, Col. J. - 30
Owen, Mrs. H. F. (her Trustees,) - 15
Orton, J. - 14
Ord, Capt. Richard, - 9
Ottley, W. J. - 2
Palanjee Pestonjee, - 9
Pollexfen, George, - 18
Penley, Capt. G. F. - 5
Patch, James, - 61
Patch, John, - 5
Powell, Col. Thomas, 23
Powell, Col. S. - 18
Pestonjee Framjee, - 4
Pestonjee Cursetjee Cama, - 2
Pestonjee Dadabhoy Wadia, - 8
Fellonjee Dhumjee, - 5
Phillips, J. L. - 9
Pestonjee Hormusjee Mama, - 5
Pestonjee Hormusjee (Andison,) - 5
Pestonjee Hormusjee Santook, - 1
Preedy, H. W. - 1
Pringle, Capt. A. W. - 9
Poondlick Ramsord Leony, - 1

Carried forward, 3767

Brought forward,	3767
Palonjee Eduljee,	9
Paul, Capt. G. J. C.	9
Pestonjee Framjee Cowasjee,	9
Pestonjee Rustamjee,	5
Pottinger, Col. Henry,	20
Premjeewan Anoopdass,	18
Pew, Major G. L.	68
Prinsep, G. A.	45
Pursotum Dass Pranjeewandas.	27
Richmond, F. R.	10
Robertson, Col. Archibald,	75
Robertson, Major H. D.	15
Robertson, Hy. Morres,	23
Roberts, Walter,	10
Ross, John	18
Ragoonath Crustna Jesoy,	4
Rowland, Capt. J. H.	23
Rose, Capt. W.	5
Robson, Thomas,	1
Rustamjee Sorabjee-Mody,	1
Ruttunjee Dadabhoy Cola,	54
Ruttunjee Cursetjee,	3
Rogaba Jeemajee,	5
Roganath Hurreechundie,	5
Rogoonath Samoo Senoy,	2
Rustomjee Hormusjee Cama,	1
Reynolds, P. A.	9
Santokejee Nanabhoy,	5
Carried forward,	4246

Brought forwaad,	4246
Spiller, Major W.	10
Scott, Dr. J.	5
Spratt, Captain W.	14
Samauson, Captain J.	24
Skinner, John,	50
Stuart, G. A.	9
Sorabjee Cowasjee,	9
Sinclair, James,	40
Simson, Wm.	20
Salter, General James. F.	27
Smyttan, George,	18
Scott, John,	9
Succaram Rogoonath Jasry,	2
Sorabjee Rustamjee,	8
Sorabjee Dorabjee,	3
Sapoorjee Sorabjee Patell,	2
Seitz, Mrs. M. A. R.	1
Seton, Captain Bruce,	9
Saunders, Captain J,	2
Sorabjee Eduljee Majoma	3
Sunker Venoo Senoy,	1
Smith, Robert,	50
Saunders, Frederick	3
Sauncklol Virzoll,	9
Simson, J. B.	19
Stubbs, W.	9
Stewart, C. S.	23
Stewart, Alexander	5
St. John, Robert,	1
Sutherland, G.	3
Tarah Suxumah,	5
Tamer, Thomas,	4
Turner, Capt. W.	4
Tarrachaund Vassoonjee,	5
Carried forward,	4652

Brought forward,	4652
Thomson, W.	27
Truscott, C. H.	45
Tyler, W. H.	18
Valiant, Colonel T.	9
Vaughan, J. Esq.	18
Venerajee Mirjee,	14
Vebart, John,	18
Wright, J.	25
Willoughby, J. P,	25
Wood, Col. E. M.	20
Wood, Col. E. M. (as Trustee for Mrs, H. Morgan,)	30
Wuckutchund Cooshalchund,	27
Wathen, W. H.	25
Williamson, Thomas,	38
Whitehill, Colonel Stephen,	18
Wassodew Wissoa Nathjee	5
Wittoba Wassodewjee,	1
Watson, H. B.	3
Watson, J. W.	9
Wiltshire, Colonel Thomas,	68
Wight, Robert,	9
Ward, Mary Ann,	11
Watkins, F. W.	5
Wilson, J. H. Captain	5
Wilson, P. P. Lieut. Col.	2
Waddington, Captain C.	45
Weeks, F. P.	9
Warden, John,	9
Young, D. A.	18
Carried forward,	5208

NOTE.—In the event of the death before the 1st April, 1840, of any individuals in the above Schedule, the shares against their names shall be the property of their Estates.

BENGAL.—AFFRAYS.

ACT No. IV. OF 1840.

[*Passed on the 17th February*, 1840.

1. *Repeals Regulation* 49, 1793; *Regulation* 14, 1795; *Regulation* 32, 1803; *Section* 5, *Regulation* 6, 1813; *Regulation* 15, 1824; *Regulation* 2, 1829; *and so much of any Regulation extending the above, &c.*

2. *If Magistrate is certified of a probable breach of peace, from dispute concerning any Land, Water, &c. he shall record a proceeding, &c. and call all parties concerned to attend his Court &c. and to state their claims, &c. Magistrate, without reference to the merits, shall ascertain who was in possession, and declare him entitled to retain, until duly ousted, &c.*

3. *Magistrate, if unable to satisfy himself as to who was in possession, may attach the subject of dispute until the rights are determined, &c.*

4. *Magistrate to Summon parties complained against for having taken forcible possession: party complaining to be restored if complaint is substantiated, until the right is determined.*

5. *In case of newly formed Land whereof no one ever had possession, Magistrate shall award possession to party entitled.*

6. *Disputes concerning use of Land are to be decided in like manner, subject to trial of right of user. Magistrate not to interfere unless right has been exercised within three months, &c.*

7. *Persons opposing by force the execution of orders under this Act, &c. and persons aiding and abetting, &c. to be imprisoned not exceeding six months, or fined not exceeding* 200 *Rupees, commutable to imprisonment not exceeding six months.*

8. *Orders under this Act may be appealed against, &c.*

9. *Magistrate, with consent of parties, may refer the matter in dispute to arbitration.*

10. *This Act not to affect the legal exercise of right of attachment or seizure.*

11. *Act not to extend beyond Presidency of Fort William, nor to Straits' Settlements, nor to place within local limits of Supreme Court.*

By Acts XV. 1843, and XXVII. 1845, the powers given by this Act may be exercised by other Officers besides Magistrates.

An Act for preventing Affrays concerning the possession of Land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.

Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the Law for preventing Affrays concerning the possession of Land and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applica-

ble to persons of every class or description, whether British-born subjects or others.

I. It is hereby enacted, that Regulation XLIX. of 1793. Regulation XIV. of 1795, Regulation XXXII. of 1803, Section 5, Regulation VI. of 1813, Regulation XV. of 1824, and Regulation II. of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate or other Officer exercising the powers of a Magistrate may be certified that a dispute likely to induce a breach of the peace exists concerning any Land, Premises, Water, Fisheries, Crops, or other produce of Land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether Proprietors, Dependent Talookdars, Farmers, Under Farmers, Ryots or other persons,) to attend his Court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims, as respects the fact of actual Possession of the subject of dispute. And the Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession, until ousted by due course of Law, and forbidding all disturbance of possession until such time; and, if necessary, the Magistrate, or other Officer as aforesaid, shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III. And it is hereby enacted, that if the Magistrate, or other Officer as aforesaid, shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be Land, the pro-

visions of Regulation V. of 1827, regarding attachment by order of a Zillah or City Court shall apply to attachments by order of a Magistrate, or other Officer as aforesaid, made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate, or other Officer as aforesaid, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops, or other produce of Land within the jurisdiction of such Magistrate, or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot or, otherwise, the Magistrate, or other Officer as aforesaid, shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time, and if after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court, provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim, within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed Land, whereof it shall appear to the Magistrate, or other Officer as aforesaid, that no party has ever had possession, the Magistrate or other Officer as aforesaid, shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any Land or Water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies, may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a com-

petent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate, or other Officer as aforesaid, shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate or other Officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding two hundred Rupees, commutable, if not paid, to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of Magistrates.

IX. And it is hereby enacted, that in cases instituted under this Act the Magistrate or other Officer as aforesaid is authorised, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate or other Officer as aforesaid.

X. And it is hereby provided that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the Settlements of Prince of Wales' Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

JUDICIAL OATHS.

ACT No. V. OF 1840.

[*Passed on the 24th February*, 1840.

1. *Instead of Oath or Declaration now in use, Hindoos and Mahometans may make affirmation. Form of affirmation.*

2 *False affirmation punishable as Perjury.*

3 *Procuring false affirmation, punishable as subornation of Perjury*

4. *Act not to extend to Declaration under Act XXXI.* 1837, *nor to Her Majesty's Courts.*

[Explained by Act II. 1847.]

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings:

I. It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration, now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth." - but see Act. IX. Act XVIII. of 1863.

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which perons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of

1837, nor to any Declaration or affirmation made in any of Her Majesty's Courts of justice.

BILLS OF EXCHANGE.

ACT No. VI. OF 1840.

[*Passed on the 2nd March*, 1840.

1. *Acceptance to be deemed a general acceptance unless it is expressed to be payable at a place specified "only," or "not otherwise or elsewhere."*

2. *Acceptance insufficient unless it is written on the Bill.*

3. *Bill accepted supra protest for honor, &c. needs not be presented to the acceptor for honor till the next day after it is due, or the day after that, if the acceptor for honor &c. resides in a different place from where the Bill is made payable.*

4 *Bills expressed by the drawer to be payable in any other than the place of residence of the drawee, may, if not accepted, be immediately protested for non-payment in the place where they are expressed by the drawer to be payable.*

5 *Bill or note made or given for a usurious consideration not to be void in hands of indorsee unless he had actual notice of the usury.*

6. *Act not to affect Bills or Notes which are not governed by the Law of England*

An Act for the Amendment of the Law concerning the negotiation of Bills of Exchange.

Whereas it is expedient to extend to the Territories under the Government of the East Inda Company the amendments of the Law respecting Bills of Exchange contained in the Statutes 58 Geo. 3, Cap. 93.—1 and 2 Geo. 4, Cap. 78.—6 and 7 W. 4 Cap. 58 —2 and 3 W. 4, Cap. 98:

I. It is hereby enacted, that from and after the first day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange payable at any other place than at his own place of residence without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance. But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such Bill, and the acceptor shall not be liable to pay such Bill except in default of payment, when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any Bill of Exchange drawn within the Territories of the East India Company, shall be sufficient to charge any person unless such acceptance be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in case of need to the acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees be other than where such Bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

IV. And it is hereby enacted, that all Bills of Exchange, wherein the drawer or drawers thereof shall have expressed that such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such Bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an Indorsee for valuable consideration, unless such Indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes in any case which, but for the passing of this Act, would not be governed by the Law of England, or to extend or alter the Jurisdiction of any of Her Majesty's Courts of Justice.

BENGAL.—JUDICIARY UNCOVENANTED SERVICE.

ACT No. VII. OF 1840.

[*Passed on the 30th March,* 1840.

Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad may assign to uncovenanted persons appointed to the Offices of Deputy or Assistant Register, any duties of the Register.

An Act for authorizing the appointment of Uncovenanted Servants to the Offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal and the Lieutenant Governor, or other authority exercising the powers of Lieutenant Governor of the North Western Provinces, shall deem it expedient to appoint any persons not being Covenanted Servants, to the Offices of Deputy Register or Assistant Register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the Officers above named, any duties at present performed by their Registers.

MADRAS.—PUNCHAYET.

ACT No. VIII. OF 1840.

[*Passed on the 13th April,* 1840.

Award signed by a majority of a Punchayet valid; the minority entitled to record their reasons for declining to sign it.

An Act concerning the signing of Awards by the Members of Punchayets.

It is hereby enacted that in cases where the minority of the Members of a Punchayet, held under the Provisions of the Madras Code, may decline to sign the award of the Punchayet, the signa-

ture or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest, by their mark or signature; their reasons for declining to sign or mark the award passed by the majority.

SUPREME COURT.—LAW AMENDMENT.

ACT No. IX. OF 1840.

[*Passed on the 20th April*, 1840.

1. *Extends part of* 3 & 4 *W.*4 *Cap.* 42, *viz. Sections* 26, 29, 39, 40, 41, *to the Territories of the East India Company. If witness is objected to on the ground that the Verdict or Judgment would be admissible in evidence for or against him, witness may be examined and verdict, &c. shall not be admissible for or against him.*

2. *Besides damages in trover, trespass de bonis asportatis, and in actions on policies of insurance, interest may be recovered.*

3. *Power of arbitrator not revocable, if the submission contained an agreement that it might be made a rule of Court.*

4. *A Judge may order attendance of witnesses before arbitrator and production of documents. Witnesses to be paid conduct money.*

5. *Arbitrator may administer oath, &c to witnesses.*

6. *When Act shall take effect.*

An Act for amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.

Whereas it is expedient to extend to the Territories of the East India Company certain provisions of the statute 3rd and 4th William IV. Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to Arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence, in consequence of having some interest in the event of the suit to which their testimony relates,

I. It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the

action on which it shall be proposed to examine him would be admissible in evidence for or against him, such witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him.

II. And it is hereby enacted, that the Court, on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the Goods at the time of the conversion or seizure in all actions of trover or trespass *de bonis asportatis* and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of Court, or Judge's order, or order of reference, in any action now brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the arbitrator or umpire shall, and may, and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such arbitrator making his award.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and

the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by Umpire, before whom the attendance is required, shall also be served either together with or after the service of such Rule or Order: Provided always that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expenses, and for loss of time as for and upon attendance at any trial: Provided also, that the application made to such Court or Judge for such Rule or Order shall set fourth the place where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce, under any such Rule or Order, any writing or other document that he would not be compelled to produce at a trial or to attend at more than two consecutive days to be named in such Order.

V. And it is hereby enacted, that when in any Rule or Order of reference, or in any submission to arbitration containing an agreement that the submission be made a rule of Court, it shall be ordered or agreed that the witness upon such reference shall be examined upon oath, it shall be lawful for the Arbitrators or Umpire, or any one Arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if, upon such oath or affirmation, any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is hereby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits Settlements after the expiration of sixty days from such day.

JUGGERNATH.—PILGRIM TAXES.

ACT No. X. OF 1840.

[*Passed on the 20th April,* 1840.

1. *Recites the propriety of abolishing Pilgrim Taxes and repeals so much of Section* 31, *Regulation* 12, 1805, *Section* 4, *Regulation* 27, 1793, *as provides for their continuance: also Regulation* 4, 1806; *Regulation* 5, 1806; *Section* 9, *Regulation* 6, 1808; *Regulation* 4, 1809; *Section* 4, *Regulation* 4, 1810; *Regulation* 11, 1810; *and Regulation* 18, 1810.

2. *Saves the authority of the Rajah of Khoorda over the Temple of Juggernath, subject to the rules, &c. of the Temple, and to ancient usage.*

3. *The Rajah of Khoorda not to receive or allow to be received any other than voluntary offerings.*

4. *Rajah, &c. liable to be sued for breach of trust or official misfeasance.*

An Act for the abolition of certain Pilgrim Taxes, and for the superintendence of the Temple of Juggernath.

Whereas it is considered proper to abolish the exaction of all taxes or fees upon Pilgrims resorting to Allahabad, Gya and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindu Superintendent, under a full responsibility to the established Courts of Justice, for the redress of any violence or wrong, upon the applicaton of any party interested:

I. It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from Pilgrims at Juggernath;

So much of Section 4, Regulation XXVII of 1793, as provides for the continuance of the duties levied on Pilgrims at Gya and other places of Pilgrimage;

Regulation IV. of 1806, Regulation V. of 1806, Section 9, Regulation VI. of 1808, Regulation IV. of 1809, Section 4 Regulation IV. of 1810, Regulation XI. of 1810, Regulation XVIII. of 1810, are repealed.

II. And it is hereby enacted, that the superintendence of the Temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the Priests, Officers, and Servants attached to the Temple, shall continue vested in the Rajah of Khoorda for the time being; provided always that the said Rajah, and all persons connected with the said Temple shall on all occasions be guided by the recorded rules and institutions

of the Temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive or allow to be received by any person connected with the said Temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said Temple, for the performance of religious ceremonies.

IV. And it is hereby declared and enacted, that the said Rajah, and all Priests, Officers, and Servants attached to the said Temple, are and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon Pilgrims or others under color of the authority conveyed by this Act.

BOMBAY.—CRIMINAL LAW.

ACT No. XI. OF 1840.

[*Passed on the 20th April,* 1840.

1. *Modifies Clause* 2, *Section* 45, *Regulation* 13, 1827. *No prisoner to be forced to labor, or be confined solitarily, unless sentence expressly so directs.*

2. *Modifies Clause* 1, *Section* 7, *Regulation* 14, 1829. *Sentence to imprisonment and labor may also direct solitary confinement.*

3. *Act not to apply to convicts undergoing punishment of transportation, nor to persons under restraint, &c. for breaches of prison discipline.*

An Act for the Presidency of Bombay, amending the law concerning Prisoners sentenced to labor or solitude.

I. It is hereby enacted, in modification of Clause II. Section XLV. Regulation XIII. of 1827, of the Bombay Code, that no Prisoner confined in any part of the Provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined, and no Prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. And it is hereby enacted, in modification of Clause I. Section VII. Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency, a Prisoner

may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labor.

III. And it is hereby provided that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

GEORGE TOWN, SINGAPORE AND MALACCA.

ACT No. XII. OF 1840.

[*Passed on the 8th June,* 1840.

1. *and* 2. *Extend Act* 12, 1839, *to ground not covered with buildings, and authorises an assessment on such ground at not exceeding* 10 *per cent. within George Town, Singapore and Malacca, and* (*Section* 2,) *of* 5 *per cent. beyond those limits.*

3. *Exempts property of a less annual value than* 10 *Spanish Dollars.*

4. *The provisions of Act XII.* 1839, *applicable to assessments under this Act.*

An Act for extending Act XII. of 1839, (relating to the assessment of dwelling houses and buildings within and beyond the limits of the Towns of George Town, Singapore and Malacca) to grounds not covered with houses or buildings.

Repealed by Act IX. 1848.

FACTORS ACT.

ACT No. XIII. OF 1840.

[*Passed on the 29th June,* 1840.

Extends the Statute 4, *Geo.* 4, *Cap.* 83, *as altered by Stat.* 6, *Geo.* 4, *Cap.* 94, *to the territories of the East India Company. Saving cases not governed by English Law, and the jurisdiction of her Majesty's Courts.*

Act 4, *Geo.* 4, *Cap.* 83.

1. *Persons in whose name goods shall be shipped, shall be deemed the owners so as to entitle Consignees to a lien thereon.*

2. *Any person may take goods or bill of lading in deposit from Consignee but shall not acquire any further right than Consignee possessed.*

3. *Right of owner to follow his goods while in the hands of his agent or of his Assignees in case of Bankruptcy, or to recover them from Assignees, &c.*

upon paying his advances secured upon them, &c. Proviso as to Bankruptcy of Factor.

Act VI. Geo. 4, Cap. 94.

1. *Factors or Agents having goods or merchandize in their possession shall be deemed to be true owners so as to give validity to contracts with persons dealing bonâ fide upon the faith of such property.*

2. *Persons in possession of Bills of Lading to be the owners, so far as to make valid contract.*

3. *No person to acquire a security upon Goods in the hands of an Agent for an antecedent debt, beyond the amount of the Agent's interest in the Goods.*

4. *Persons may contract with known Agents in the ordinary course of business, or out of that course if within the Agent's authority.*

5. *Person may accept and take Goods, &c. in pledge from known Agents, but shall acquire no further interest than was possessed by such Agent at the time of such pledge.*

6. *Right saved, of true owner to follow his Goods while in the hands of his Agent or of Assignee in case of Bankruptcy, or to recover them from a third person upon paying advances secured upon them. Proviso, in case of Bankruptcy of Factor, the Owner of Goods so pledged and redeemed shall be held to have discharge pro tanto the debt due from him to Bankrupt.*

7. *Agents fraudulently pledging the Goods of their principals to be deemed guilty of a misdemeanor, and may be transported not exceeding 14 years, or be otherwise punished as for a misdemeanor.*

8. *Not to extend to cases in which the Agent has not made the Goods a security for any sum beyond the extent of his own lien. Acceptances of Bills by Agent not to create a lien so as to excuse the pledge unless the Bills are paid when due.*

9. *Act not to extend to partners not being privy to the offence.*

10 *Act not to lessen any remedy at law or equity which party aggrieved may be entitled to adopt.*

Altered and amended by Act XX. 1844.

An Act for the amendment of the Law regarding Factors, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 4, Geo. IV. Chap. 83, as altered and amended by the Statute 6, Geo. IV. Chap. 94.

It is hereby enacted, that the Statute of the 4 Geo. IV. Chap. 83, as altered and amended by the Statute of 6 Geo. IV. Chap. 94, shall be extended to the territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statutes if this Act

had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the Territories of the East India Company are as follows:

4TH GEO. IV. CAP. 83.

An Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes, intrusted to Factors or Agents. (18th July 1823.)

"Whereas it has been found that the Law, as it now stands, relating to Goods shipped in the names of persons who are not the actual Proprietors thereof, and to the deposit or pledge of Goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of Commerce in general." Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any Goods, Wares, or Merchandize, and by whom such Goods, Wares, or Merchandize, shall be shipped, in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize, to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize, shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them, to the use of such Consignee or Consignees, in the like manner to all intents and purposes, as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize; provided such Consignee or Consignees shall not have notice, by the Bill of Lading for the delivery of such Goods, Wares, or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or

negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purposes of this Act, to have been entrusted therewith, unless the contrary thereof shall appear or be shown in evidence by any person disputing such fact.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any Goods, Wares, or Merchandize, or the Bill or Bills of Lading for the delivery thereof, in deposit or pledge from any Consignee or Consignees thereof; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title or interest, in or upon or to the said Goods, Wares, or Merchandize, or any Bill of Lading for the delivery thereof, than was possessed, or could or might have been enforced by the said Consignee or Consignees at the time of such deposit or pledge as a security as aforesaid: but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess and enforce such right, title, or interest, as was possessed and might have been enforced, by such Consignee or Consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, Proprietor or Proprietors of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so deposited or pledged or from the Assignee or Assignees, of such Factor or Factors, Agent or Agents, in the event of his, her, or their Bankruptcy; nor to prevent any such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, or of or from the Assignees of any person or persons in case of his or her bankruptcy, or of or

from any body or bodies, politic or corporate, such Goods, Wares, or Merchandize so consigned, deposited, or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their Assignee or Assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such Goods, Wares, or Merchandize, nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such Factor or Agent, the Owner of the Goods so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him to the Bankrupt's estate.

6TH GEO. IV. CAP. 94.

An Act to alter and amend an Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.

Whereas an Act passed in the fourth year of the reign of His present Majesty, intituled *An Act for the better protection of the property of Merchants and others, who may hereafter enter into contracts or agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents:* And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any Goods, Wares, or Merchandize, and who shall have shipped such Goods, Wares, or Merchandize, in his, her, or their own name or names, and any

person or persons, in whose name or names any Goods, Wares, or Merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize, provided such Consignee or Consignees shall not have notice by the Bill of Lading for the delivery of such Goods, Wares, or Merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* Owner or Owners, Proprietor or Porprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

II. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, India Warrant, Dock Warrant, Warehouse Keeper's Certificate, Wharfinger's Certificate, Warrant or Order for delivery of Goods, shall be deemed and taken to be the true Owner or Owners of the goods, Wares, and Merchandize described and mentioned, in the said several documents hereinbefore stated respectively, or

either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies, politic or corporate, for the sale or disposition of the said Goods, Wares, and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies, politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies, politic or corporate, shall not have noticed by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors, of such Goods, Wares, or Merchandize, so sold or deposited or pledged as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies, politic or corporate, shall, after the passing of this Act, accept and take any such Goods, Wares, or Merchandize, in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies, politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as foresaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

IV. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to contract with any Agent or Agents, intrusted with any Goods, Wares, or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, Wares, and Merchandize, and to receive the same of and pay for the same to such Agent or Agents; and such contract and payment shall be binding upon and good against the Owner of such Goods, Wares, and Merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an Agent or Agents, provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such Agent or Agents, is or are not authorized to sell the said Goods, Wares, and Merchandize, or to receive the said purchase money.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any such Goods, Wares, or Merchandize, or any such document as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such person or persons, body or bodies, politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a Factor or Factors, Agent or Agents; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said Goods, Wares or Merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or

pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, or Proprietor or Proprietors, of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so sold, deposited, or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their bankruptcy; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, body or bodies, politic or corporate, the price or sum agreed to be paid for the purchase of such Goods, Wares, or Merchandize, subject to any right of set off on the part of such person or persons, body or bodies, politic or corporate, against such Factor or Factors, Agent or Agents; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from such person or persons, body or bodies, politic or corporate, such Goods, Wares, or Merchandize so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument so advanced or given on the security of such Goods, Wares, or Merchandize, as aforesaid, by such person or persons, body or bodies, politic or corporate, to such Factor or Factors, Agent or Agents, and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such Factor or Factors, Agent or Agents, to such Owner or Owners, Proprietor or Proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: Provided always, that in case of the bankruptcy of any such Factor or Agent, the Owner or Owners, Proprietor or Proprietors,

of the Goods, Wares, and Merchandize, so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the Estate of such Bankrupt.

VII. And whereas it is expedient to prevent the improper deposit or pledge of Goods, Wares, or Merchandize, or the documents relating to such Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to Factors or Agents; be it therefore enacted, that if any such Factors or Agents, at any time from and after the said first day of October, one thousand eight hundred and twenty-six shall deposit or pledge any Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such Factor or Agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the Owner or Owners of any such Goods, Wares, or Merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares, or Merchandize, so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless that the Acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge,

unless such Bills shall be paid when the same shall respectively become due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be necessary or privy to the commission of such offence; any thing herein contained to the contrary in any wise notwithstanding.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at law or suit in Equity against such offender: and further that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit or proceeding, in or to which he shall have been a party, and which shall have been *bonâ fide* instituted by the party aggrieved by the act, matter, or thing, which shall have been committed by such offender aforesaid.

WRITTEN AGREEMENTS—LIMITATION OF ACTIONS.

ACT No. XIV. OF 1840.

[*Passed on the 29th June*, 1840.

Extends to the Territories of the East India Company the Statute 9, *Geo.* 4, *Cap.* 14.

1. *In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing, or by part payment. One joint contractor not to*

lose benefit of Statute by act of co-contractors. Verdict may be given against one and for other co-contractors.

2. *Upon issue on a plea in abatement, if it appears that the parties not joined are not liable by reason of the Statute of Limitations, the issue shall be found against the party pleading.*

3. *Indorsement or memorandum on note, &c. of any payment shall not be evidence in favour of the party making the indorsement.*

4. *Statutes of Limitation to apply to debts alleged by way of set-off.*

5. *Ratification after full age of a promise made during infancy shall not be good unless it be in writing.*

6. *No person to be charged by reason of any representation, &c. relating to the character, conduct, credit, ability, trade or dealings of any other person, &c. unless made in writing.*

7. *Extends the provisions of the 17th Section of the Statute of Frauds to contracts for goods of £10 or upwards, though the goods were to be dilivered or made at some future time.*

8. *No stamp necessary on agreements within the last Section.*

Act XIV. 1859, is An Act to provide for the Limitation of suits, and applies to all Courts.

An Act for rendering a written Memorandum necessary to the validity of certain promises and engagements by extending to the Territories of the East India Company, in cases governed by English law, the Provisions of the Statute 9, Geo. IV. Cap. XIV.

It is hereby enacted, that the Statute 9, Geo. IV. Ch. XIV. shall be extended to the Territories of the East India Company; provided always that this Act shall not be construed to effect any case, which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid Territories.)

9th Geo. IV. Cap. XIV.

An Act for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the reign of King James the First, it was, among other things, enacted, that all actions of account and upon the case, other than

such accounts as concerns the trade of Merchandize between Merchant and Merchants, their Factors or Servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suit, and not after. And whereas a similar Enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said Enactments; and it is expedient to prevent such questions, and to make provision for giving effect to the said Enactments and to the intention thereof. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same; That in actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said Enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more joint Contractors, or Executors or Administrators of any Contractor no such joint Contractor, Executor, or Administrator shall lose the benefit of the said Enactments, or either of them, so as to be chargeable in respect or by reason only of any written acknowledgment or pormise made and signed by any other or others of them. Provided always that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatever. Provided also, that in actions to be commenced against two or more such joint Contractors, or Executors, or Administrators, if it shall appear at the trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against

any other or others of the Defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

II. And be it further enacted, that if any Defendant or Defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

III. And be it further enacted, that no Indorsement or Memorandum of any payment, written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other writing by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of either of the said Statutes.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any Defendant, either by plea, notice, or otherwise.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods upon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, entitled an Act for the prevention of Frauds and Perjuries, it is, among other things enacted, that from and after the twenty-fourth day of June one thousand six hundred and seventy-seven, no contract for the sale of any Goods, Wares, and Merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized. And whereas a similar Enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third. And whereas it has been held that the said recited Enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such executory contracts; be it enacted, that the said Enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of Stamps.

BOMBAY.--AGENTS OF FOREIGN SOVEREIGNS.

ACT No. XV. OF 1840.

[*Passed on the 20th June*, 1840.

Extends Regulation 15. 1827, *and Regulation* 13, 1830, *to the Agents of Foreign Sovereigns having lands, &c. in the Bombay Presidency.*

An Act for extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827, and XIII of 1830, of the Bombay Code, be made applicable to the Agents of Foreign Sovereigns having lands and possessions in the British Territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

CONVICTS.

ACT No. XVI. OF 1840.

[*Passed on the 3rd August*, 1840.

I. Recites expediency of modifying rules relating to the management of Convicts. Enacts, that the property in the service of persons under transportation shall be vested in the persons to whom Convict is delivered.

2. Governor General in Council may authorize the appointment of Superintendents of Convicts, to whom Convicts under transportation shall be delivered, and in whom their property be vested.

3. Governor General in Council may issue orders, &c. touching the classification of Convicts, their confinement, &c. and conviction in case of misbehaviour, &c.

4. Persons already under transportation to be subject to the provisions of this Act.

An Act concerning the management of Convicts transported to places within the territories of the East India Company.

Whereas doubts have arisen touching the legal mode of treating Convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such Convicts:

I. It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor General in Council on that behalf at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it shall be law-

ful for the Governor General in Council to appoint the Governor or other Authority at any place within the territories of the East India Company, or to appoint one or more Superintendents at any such place as the persons to whom Convicts undergoing transportation shall be delivered and in whom the property in the service of such Convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to issue orders from time to time to any such Governor, Authority, or Superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of Convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing theretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders, or with the sanction of Government, shall be called in question in any Court of law.

MADRAS.—SALT LAWS.

ACT No. XVII. OF 1840.

[*Passed on the* 10*th August*, 1840.

Modifies Regulation 5, 1831. *Penalties for breaches of the Salt Laws may be recovered before Magistrate of the District. Magistrate may proceed in same manner as against persons charged with offences punishable by Criminal Court. Magistrate not to order fine exceeding* 50 *Rupees, or imprisonment with or without labour, exceeding* 30 *days.*

Amended by Act VII. 1852 as to penalties for breaches of the Salt Laws in the Madras Presidency.

An Act for amending Regulation V. of 1831, of the Madras

Code as far as the same regards penalties for certain breaches of the Salt Laws.

Whereas great inconvenience has been experienced, in consequence of sending persons accused of petty offences against the Salt Laws for trial in the Criminal Courts, who might be more conveniently tried by Magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted, in modification of Regulation V. of 1831, of the Madras Code, that all penalties prescribed by the Madras Code for any breaches of the Salt Laws shall be recoverable before the Magistrate of the district: Provided always, that it shall be lawful for any such Magistrate before whom any person shall be charged with the commission of any offence against the Salt Laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences the punishment of which rests with the Criminal Court, Provided also, that no Magistrate shall under the authority of this Act, punish any offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.

BOMBAY.—LICENSES.

ACT No. XVIII. OF 1840.

[*Passed on the* 10*th August*, 1840.

1. *Power now vested in Justices of the Peace of Bombay with respect to licenses shall be vested in the Collector of Land Revenue and the Senior Magistrate of Bombay jointly But Justices of the Peace may quash licenses.*
2. *Governor in Council may regulate the form of licenses.*
3. *Except as herein repealed or altered, the Law not to be altered.*

An Act to regulate the granting and withholding Licenses for the sale of Liquors within the Islands of Bombay and Colaba.

Repealed by Act. XIII. 1856.

BENGAL.—APPEALS.

ACT No. XIX. OF 1840.

[*Passed on the* 14*th September*, 1840.

The provision in Clause 1, *Section* 5, *Regulation* 28, 1814, *to be applicable to any party desirous of appealing in forma pauperis.*

Superseded by the New Civil Procedure Act VIII. 1859, except as to the non-regulation provinces.

Act for amending the procedure in cases of Appeals made *in formâ pauperis*, within the Presidency of Fort William in Bengal.

It is hereby enacted, that the proviso contained in Clause I. Section V. Regulation XXVIII. 1814, of the Bengal Code in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing *in formâ pauperis* to either of those Courts.

BENGAL.—REVENUE SALES.

ACT No. XX. OF 1840.

[*Passed on the 19th October*, 1840.

An Act for declaring the Law touching the liability of Auction Purchasers of permanently assessed Estates under Section XXI. Regulation XI. of 1822, of the Bengal Code.

Regulation 7, of 1830, and Regulation 11, of 1822, except Sections 36 and 38, are repealed by Act XII. of 1841, and consequently this Act is superseded.

BENGAL.

ACT No. XXI. OF 1840.

[*Passed on the 19th October*, 1840.

An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the enactment of Act IV. of 1840.

Of temporary and limited operation, now obsolete.

CALCUTTA, MADRAS AND BOMBAY.—VAGRANTS.

ACT No. XXII. OF 1840.

[*Passed on the 23rd November*, 1840.

1. *Persons seeking to extort alms by offensively exhibiting bodily ailment or deformity, or by offensive or indecent practices, &c. liable to imprisonment with or without labor for not exceeding 1 month.*

2. *Persons guilty of second offence to receive double punishment.*

3. *Persons resisting Peace Officer attempting to apprehend them for above offences, to be imprisoned with or without labor not exceeding 3 calendar months.*

4. *Governor General in Council may extend the operation of this Act to any other towns or districts.*

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting exhibitions and practices.

Repealed by Act XIII. 1856.

BENGAL.—EXECUTION OF PROCESS.

ACT No. XXIII. OF 1840.

[*Passed on the 30th November*, 1840.

1. *Writ, warrant or other process issued by any Court beyond the limits of Supreme Courts, may be executed within those limits and in what manner.*

2 *Upon delivery to Sheriff of Writ, &c Sheriff shall make a memorandum of the date of delivery, and execute it as if it had issued out of Her Majesty's Courts. Sheriff to make no distinction as to priority between Writs, &c. delivered him under this Act and Writs, &c. issued out of Her Majesty's Courts.*

3. *Sheriff to be liable to same proceedings in respect of acts done in execution of Writs &c. under this Act as of other Writs*

4. *Person disobeying any Writ, &c indorsed under this Act, to be punishable in Her Majesty's Courts.*

5. *Person who is seized, &c. by virtue of Writ, &c. under authority of this Act shall be delivered if he requires, to such authority as is specified in the indorsement.*

6. *Judge whose indorsement is required may remit the Writ &c. to the authority issuing it for amendment, if defective in form.*

7. *Judge whose indorsement is required may direct Bail to be taken.*

8 *All Civil and Criminal Gaols and Houses of Correction within the Jurisdiction of any of Her Majesty's Courts may be used by the Sheriff for the purposes of this Act.*

Act VIII. 1852, is An Act for remunerating the Sheriff of Calcutta, Madras, and Bombay for the execution of Mofussil process under Act XXIII. 1840,

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts Legal Process issued by authorities in the Mofussil.

Whereas great inconvenience has been experienced in con-

sequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities of persons resident within the local limits of Her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such Authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil Courts to which they are parties:—

I. It is hereby enacted, that any Writ, Warrant, or other Process issued by any Court, Judge, or Magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following—A copy of such Writ, Warrant, or other Process authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any Judge of Her Majesty's Courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff, or by any Justice of the Peace according to the nature of such Writ, Warrant or other Process. [Altered by Act XXXVI. 1855.]

II. And it is hereby provided, that upon the delivery of every such Writ, Warrant or Process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a memorandum of the date of such delivery, and shall execute such Writ, Warrant or Process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any Writ, Warrant or other Process originally issued from any of Her Majesty's Courts, and the execution of any Writ, Warrant or other Process, under this Act. But every Writ, Warrant and other Process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of Writs, Warrants, and other Process originally issued from Her Majesty's Courts of justice.

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of justice for all matters touching the execution of any Writ, Warrant or

other Process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any Writ, Warrant or Process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like Writ, Warrant or other Process issued from any of Her Majesty's Courts of Justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any Writ, Warrant or other Process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts; Provided always that, in the case of Process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters as are established in regard to Subpœnas issued from such Courts.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any Writ, Warrant or other Process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, it shall be the duty of every such Sheriff or Justice of the Peace if so required by the indorsement of the Judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the Writ, Warrant or other Process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

VI. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same if the same shall appear to be defective in any matter of form.

VII. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same to direct by indorsement that bail, (the amount and number of Sureties to be specified in such indorsement) may be taken; and

for this purpose to call for such documents and to make such inquiry as he shall think proper.

VIII. And whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour, should be subject to the most improved rules of prison-discipline, which cannot, in all cases, be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all Civil and Criminal Gaols and Houses of Correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act shall be liable to the prison-discipline thereof, and all sentences of imprisonment passed by any Judge, Court or Magistrate in the territories of the East India Company, beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the Gaols or Houses of Correction aforesaid, provided that a Copy of the Warrant of commitment, or other Process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

CALCUTTA.

ACT No. XXIV. OF 1840.

[*Passed on the 7th December*, 1840.

1. *The Assessments made for the Town of Calcutta under* 33 *Geo.* 3. *Cap.* 52, *shall be applied only to the purposes herein specified.*

2. *Sufficient Assessments to be made, but not exceeding* 5 *per cent. on the Assessable value of property, without the sanction of the Governor of Fort William.*

3. *Justices at their Quarter Sessions shall publish particulars of their receipts and disbursements within specified division.*

4. *The Governor of Fort William may authorize the rate-payers to undertake themselves the Assessment collection and management of the rates, upon a scheme to be approved by him.*

5. *Governor of Fort William may appoint Assessors, Collectors, &c.*

6. *Not necessary in Assessment, &c. to specify name of owner, &c.; houses may be specified by name of street and number.*

7. *Goods of the owner of rated property may be seized any where for satisfaction of rates: also any property on the rated premises.*

8. *Property concealed in Zenana may be seized, and how.*

For amending the law with respect to rates for Municipal purposes within the Town of Calcutta.

Repealed by Act XVI. 1847.

BENGAL.--ABKAREE REVENUE.

ACT No. XXV. OF 1840.

[*Passed on the 20th December*, 1840.

1. *Commissioner appointed for the Superintendence of the Abkaree Revenue shall exercise the powers, &c. vested by the Regulations, &c. in the Commissioners of Land Revenue in matters appertaining to Abkaree Revenue.*

2. *Superintendents may be appointed to take charge of the Abkaree Revenue under the orders of the Commissioner.*

3. *Superintendent may be empowered to adjudicate cases of contravention of the Abkaree Law, but not to fine any person exceeding* 200 *Rupees or to imprison, exceeding* 3 *months, except for second offence.*

4. *The warrant of any Officer having power to adjudicate cases of contravention of the Abkaree Laws, &c. shall be sufficient authority for levy of fine or imprisonment of offender. Proviso, giving appeal to Commissioner.*

5. *Officer in Abkaree department above the rank of Jemadar of Peons receiving information of offences specified, shall take the deposition of the informer in writing and if it appears credible may enter and search premises, &c.*

6. *Except in cases provided for by Section* 18, *Regulation* 7, 1824, *any person by threats or violence preventing lawful arrest, or procuring unlawful release, or obstructing Officer, &c. &c. may be fined not exceeding* 500 *Rupees commutable to imprisonment not exceeding* 6 *months, and to further punishment in case of affray and breach of the peace.*

7. *Modifies Clause* 6, *Section* 22, *Regulation* 10, 1813. *Any person wilfully, &c. giving false information in respect to there being illicit stills, &c. may be imprisoned not exceeding* 2 *years and fined not exceeding* 500 *Rupees, besides being liable to penalties and damages by the general law.*

8. *Officer of Abkaree department arresting any person, &c seizing still, &c. or entering premises, &c. shall make a full report to his official superior within* 24 *hours.*

9. *Party arrested by Officer in Abkaree department shall be carried, with all convenient despatch, to the Officer competent to try, and shall not be released until his case shall have been adjudicated upon.*

10. *Any Officer neglecting to report within* 24 *hours as above required, or delaying to carry the person arrested to the proper Officer, or releasing, &c. may be dismissed from his situation and fined not exceeding* 200 *Rupees and imprisoned not exceeding* 3 *months, and* 3 *months more in case of non-payment*

of fine; the man may be tried by Officer competent to try cases under the Abkaree Laws.

11. *Any Officer in Abkaree department may enter, &c., day or night, the shop or premises of any licensed Abkar, to satisfy himself that nothing is going on in contravention of the Abkaree Laws.*

12. *Any Officer of Abkaree department convicted of vexatious, &c. seizure or of any excess not required for execution of his duty may, besides dismissal, be imprisoned not exceeding 6 months and fined not exceeding 200 Rupees, and if not paid, 6 months' further imprisonment.*

13. *The term "Officers of the Abkaree Department," how to be construed.*

14. *Every licensed person shall keep his license at the licensed premises, and exhibit it on demand to any Abkaree Officer, and, in case of refusal, shall be fined not exceeding 200 Rupees and imprisoned not exceeding 3 months, and 3 months more if fine not paid.*

15. *One moiety of all fines and from the proceeds of confiscated property, under this Act, shall be given to Officer, the other to the Informer, and if no fine be realized, the Commissioner may recommend a reward.*

16. *Officer of Abkaree department conniving at specified infractions of the law shall be punished in same manner as the person contravening the law is liable to be punished.*

17. *Person convicted of a second offence of the like nature, shall in addition to the ordinary punishment, be liable to be imprisoned in the Dewanny Jail for 6 months, and 6 months added for subsequent offence.*

For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

Repealed by Act XXI. 1856.

BENGAL.--REVENUE PUTTEEDARREE ESTATES.

ACT No. I. OF 1841.

[*Passed on the 12th April,* 1841.

1. *Preamble.*

2. *Defines what a Putteedarree estate is, and who are Lumberdars and who Putteedars.*

3. *Allows specified modes of duress against certain Putteedars, viz. issuing of dustucks, arrest of person, distraint of property, alienation of Puttee in perpetuity, annulment of the Settlement as regards the defaulting Puttee, and sale of Puttee by public auction.*

4. *Putteedar not in default to have the right of pre-emption at the sum last bid by any stranger at the auction.*

5. *Collector, &c. to exercise the above powers subject to limitation and control of Government, &c.*

6. *Sales of Puttee by auction to be made in same manner in respect of the*

notice to be issued, &c. as sales of entire mehal. Rights of Ryots having a permanent interest, saved.

7. *When Puttee is temporarily transferred, no member of the Puttee shall cultivate any land therein during the transfer, nor at all if the Puttee has been permanently transferred, without first agreeing to pay rent to the transferree. If parties cannot agree as to rent, it may be fixed by a jury of the vicinage.*

8. *A copy of the Jumma Wasil Bakee and detailed Khuteonee of the Tehsildar shall be sufficient evidence of the arrear due from a Puttee.*

9. *Collector may give possession to purchasers, and in what manner.*

10. *This Act not to bar the right of Government to hold the entire body of Proprietors, &c. responsible for the whole Jumma, &c.*

11. *Governor General in Council may extend this Act to any district as he may deem expedient.*

An Act for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble. I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient, on the one hand, for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A Putteedarree estate in this Act is held to be an estate which consists of two or more separate portions or Puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own name is called a Putteedar.

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822 as modified by Regulation IX. of 1833, whe-

ther every such Putteedar be in sole occupation of his Puttee, or hold it in common with others.

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3d. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction, in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the coparcenary, not being himself in arrear, may claim to take the said Puttee at the sum last bid, provided that the said dem and of preemption be made on the day of sale and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law from time to time for the sale of an entire Mehal; and the Puttee, after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the right of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Putee as above said, no member

of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X. Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Khuteonee of the Tehsildar signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause III.. Section XXIII. of Regulation VII. of 1822.

X And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole Jumma, and to enforce the existing Regulations for the transfer or sale of the whole estate, whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district to which, with reference to the nature of the tenures prevalent therein its extension may be expedient, although no Settlement of such district may have been made under Regulations VII. of 1822, and

IX. of 1833, and the order of Government, shall be sufficient authority for such extension.

BOMBAY.—ABKAREE LICENCES.

ACT No. II. OF 1841.

[*Passed on the* 10*th May*, 1841.

1. *Any person selling by retail Ganja, or Bhang, without licence, shall be fined not exceeding* 30 *rupees or imprisoned one month.*

2. *The Collector in each Zillah to grant licences for one year at a fee to be determined by the Governor in Council*

Appendix A. Form of Licence.

An Act for regulating the sale of Ganja and Bhang within the Presidency of Bombay.

Repealed by Act XXXIV. 1857.

BOMBAY.—PETTY OFFENCES.

ACT No. III. OF 1841.

[*Passed on the* 10*th May*, 1841.

1. *Persons charged with Simple Larceny or receiving stolen property not exceeding in value* 20 *rupees may be tried by Petty Sessions.*

2. *Petty Sessions shall not have power to imprison for more than* 12 *months, nor to transport offender.*

3. *Petty Sessions may instead of trying offender, commit him for trial before Her Majesty's Supreme Court.*

4. *and* 5. *A single Magistrate of Police may summarily convict in certain specified cases, if property does not exceed ten rupees in value: but may not imprison offender for more than three months.*

6. *Instead of trying case, Police Magistrate may commit for trial before Her Majesty's Supreme Court.*

7. *Form of conviction to be used by Police Magistrate.*

8. *Upon conviction, property may be orderd to be restored to true owner, and person refusing to restore it may be fined not exceeding* 20 *rupees.*

9 *Repeals Art.* 1, *Title* 14, *and Art.* 3, *Title* 15, *of Rule, Ordinance and Regulation* 2, 1827, *offender convicted of second offence liable to double punishment, but not exceeding* 24 *lashes, or* 12 *months' imprisonment.*

10. *All fines and penalties to be levied in manner provided in Act II.* 1839.

11. *Saves the remedy by writ of Certiorari.*

An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay.

Repealed by Act XIII. 1856.

BOMBAY.—PUBLIC CONVEYANCES.

ACT No. IV. OF 1841.

[*Passed on the 17th May*, 1841.

1. *Hackney Carriages and other vehicles let to hire shall be numbered, or in default thereof owner may be fined not exceeding* 30 *Rupees.*

2. *Numbers to be appointed by Superintendent of Police, and withdrawn by Petty Sessions on proof of breach by owner of any provision of this Act.*

3. *Teeka Bearer, Boatman, &c. to wear a badge to be appointed by Superintendent of Police, or in default fined not exceeding* 20 *Rupees.*

4. *Petty Sessions may settle rates of hire for public conveyances, with sanction of Governor of Bombay. Rates to be published in Gazette. Persons demanding higher rate, &c. to be fined not exceeding* 20 *Rupees. Penalty not incurred unless legal rate has been tendered. Person refusing to pay legal fare to be fined not exceeding* 20 *Rupees.*

5. *Superintendent of Police to keep a Register of persons having numbers and badges under this Act. Persons using numbers and badges in manner unauthorized to be fined not exceeding* 100 *Rupees.*

6. *Petty Sessions may appoint stands for Carriages and Palkees. Persons in charge of Carriages and Palkees found loitering off the stand for the purpose of hire to be fined not exceeding* 10 *Rupees.*

7. *This Act not to extend to lettings for hire for a month or longer period.*

8. *All fines to be recovered in manner provided for by Act II.* 1839.

An Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. It is hereby enacted, that all Hackney Carriages, Carts, Palankeens and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the Harbour of Bombay shall bear upon them, in manner as directed by the Superintendent of Police, on each side, in large English and Native figures or characters, a certain number to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act which

shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter-mentioned to withdraw the same, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Thirty Rupees.

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the Superintendent of Police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions, on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to in manner aforesaid.

III. And it is hereby enacted, that every Teeka Bearer, Boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance shall wear, in manner as directed by the Superintendent of Police, a badge on the upper part of his right arm, with the number of the public conveyance to which he belongs, which badge shall be indicated by the said Superintendent; in default whereof every person so employed and not having such badge as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette. And after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees. Provided always, that no person shall be deemed to be liable to the penalty in this Section unless the settled rate of hire shall have been duly tendered. And any person refusing to pay the money due from

him for the hire of any such conveyance according to the rate settled as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

V. And it is hereby enacted, that the Superintendent of Police shall keep a Register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained, and every offender using or authorizing the use of any number or badge otherwise, than for such particular conveyance or person, shall be liable on summary conviction, before the Court of Petty Sessions, to a fine not exceeding 100 Rupees.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time, to appoint stands for public Carriages and Palkees. And every person in charge of any Carriage or Palkee found loitering off any such stand for the purpose of hire shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Ten Rupees.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II. of 1839.

STATE OFFENCES.

ACT No. V. OF 1841.

[*Passed on the* 31*st May*, 1841.

1. *The ordinary tribunals may try charges of treason, rebellion or other crime against the state.*

2. *The Government of any Presidency may issue a Commission for the trial of state offences.*

3. *The Courts under such Commissions are to try prisoners in the same manner as in trials before the Ordinary Courts; but all sentences to be reported to the highest Court of the East India Company previous to being executed.*

4. *In case of death or absence of any of the Judges &c. the remaining ones shall be competent to be a Court until the vacancy is filled &c.*

5. *The highest Courts of the East India Company are to proceed in cases under this act according to the ordinary rules, but to report their sentences to the executive Government.*

6. *The Magistrates of the Zillahs &c. where persons are charged with state offences shall give notice thereof to the Government of the Presidency, and obey orders sent to them.*

7. *This Act not to affect the jurisdiction of Her Majesty's Supreme Courts.*

An Act for the greater uniformity of the process upon trials for State Offences, and the amendment of such process in certain cases.

Whereas it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment :-

I. It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for State Offences that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the state by one or more Judges, together with such Law Officers as shall be required or without any such Officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the Ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance, be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the Executive Government,

or from the highest Court of the East India Company for criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court, and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

BENGAL.—RUM.

ACT No. VI. OF 1841.

[*Passed on the 7th June*, 1841.

1. *Any person landing or attempting to land or introducing by land Rum or Rum Shrub, the produce of any foreign Country, or British possession into which foreign Sugar can be imported, such Rum or Rum Shrub shall be seized by the Collector, &c. and confiscated, &c unless it come from a district authorized by Governor General in Council.*

2. *Owner of Rum or Rum Shrub wishing to have a Certificate of origin shall make, &c. a declaration in Form A. and annex to it a Certificate of its truth from Government Officer at Distillery where the Rum, &c. was manufactured.*

3. *Certificate to be in Form B., if the Rum, &c. comes from a District into which the importation of Foreign Sugar or Rum has not been authorized.*

4. *Persons intending to ship Rum or Rum Shrub for the United Kingdom may produce a Certificate to the Collector of Customs and make and subscribe a Declaration in Form C.*

5. *Officer to Certify in Form D. unless he deems such Declaration fraudulent and untrue.*

6 *The above Certificates not to be given unless the Rum or Rum Shrub shall be the produce of a Distillery worked in the European method and under a License.*

7. *Rum or Rum Shrub for exportation shall be manufactured pure without admixture of Spirits made from Rice, Grain, or other substance not the produce of the Sugar Cane or of the Date or Palm-tree.*

8. *Rum, &c. adulterated or mixed contrary to the above prohibition to be confiscated.*

9. *Any person knowingly affirming any untruth in any Declaration, to be punished as for perjury; and persons procuring false affirmation to be punished as for subornation of perjury. Officer attesting Declaration as true, knowing it to be untrue, to be dismissed.*

Schedules A. B. C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

I. it is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal, any Rum or Rum Shrub, which is the produce of any foreign Country, or of any British possession into which foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of

the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the rules in force for confiscating such goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a district in which the Governor General of India in Council has authorized the importation of such Rum or Rum Shrub; and it shall be lawful for the Governor General of India in Council to authorize the importation of such Rum and Rum Shrub into any district of the Territories aforesaid by an order in the Official Gazette.

II. And it is hereby enacted, that if any owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorized Agent of such owner, be desirous to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Customs Revenue of any district within the said Territories, or from any other Officer appointed by the Governor General of India in Council to give such Certificates, such owner or agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the Form contained in the Schedule hereunto annexed marked A., and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor General of India in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant, under his hand and seal, to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the

respective Presidencies to act on that behalf in place of the Collector of Customs, a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such Owner shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under License from the Board or other authority vested with the management of the Revenue derived from the Abkaree or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure without admixture of Spirits made from Rice, Grain, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall in

making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth, shall be liable to be punished as in cases of subornation of perjury, and any Officer of Government subscribing an attestation to the verity of such Declaration, knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

SCHEDULE A.—I, A. B. solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named —— in the District of———, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

The ——day of——18—. (Signed) A. B.

I, B. B. Government Officer in charge on the part of Government of the———Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.
Govt. Officer attached to the
——— *Distillery.*

Description of the———to which the above Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages

(Signed) A. B.

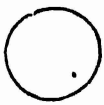
The———day of——— 18—.

Collector's number ———.

Collector's date ——— of ——— 18—.

(Signed) Y. Z. *Collector.*

Seal of the Collector.



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* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officer may be attached.

SCHEDULE B.—I, C. D. Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the District of ——— do hereby, in conformity with the provisions of Act ——— grant this Certificate, under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18 ——, dated the ——— of ——— 18 ——, and signed by ——— Manager or Owner of the Licensed Distillery called ——— is the produce of the District of ——— and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S.

This —— day of ——— 18 ——. (Signed) C. D.

SCHEDULE C.—I, E. F. Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates.

(Signed) E. F.

Description of ——— to which this Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

The———day of———18——. (Signed) E. F.

SCHEDULE D.—I, R. W. Collector of Customs, (or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the Port of ———, certify under my hand and seal, that there has been produced to me by E. F. the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal of C. D. Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the District of———, in the Territories forming part of the Presidency of Fort William or Agra, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the

said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S. (Signed) R. W.

Collector of Customs.

The———day of———18—.

Description of the———to which the Certificate relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.

Collector of Customs.

Repealed by X 07/61

JUDICIARY.--EVIDENCE.

ACT No. VII. OF 1841.

[*Passed on the* 14*th June*, 1841.

1. *Repeals all Regulations for taking evidence of absent witnesses.*

2. *Any Court, or Judge, in any Civil proceeding, may order the examination upon interrogatories or otherwise, before any Officer, &c. of any witnesses within its jurisdicton, or may issue a Commission to a subordinate Court for that purpose out of its jurisdiction, and give directions, &c. Court to which Commission is directed shall examine witnesses in open Court, &c. How Commissions to be executed within local limits of Her Majesty's Courts shall be directed.*

3. *Witnesses within the jurisdiction may be ordered to attend at their own place of residence or elsewhere and to produce documents. Disobedience to order a contempt of Court. Witnesses to be entitled to indemnity for expenses. &c.*

4. *Courts and persons authorized to take examinations in pursuance of this Act may take them upon oath or affirmation; and any person wilfully and corruptly giving false evidence shall be deemed guilty of perjury, and person procuring it, of subornation of perjury.*

5. *No order or commission to be issued for examination of witness unless the Court or Judge has reason to believe the witness will be unable to attend by reason of absence from the jurisdiction, &c. The Court, &c. to make particular inquiry as to present residence of witness, &c. and Commission to be directed to Court nearest such place of residence. Judge may execute Commission in his own Court or direct it to any inferior Court in his jurisdiction. Depositions*

under this Act, except, &c. not to be read unless the deponent is proved to be beyond the jurisdiction, or dead, or unable from sickness, &c. to attend personally &c. Court may dispense with proof of such circumstances, or authorize the deposition to be read notwithstanding alteration of circumstances. Depositions to be read without proof of signature to certificate.

6. Commissions to be executed within the local limits of Supreme Courts to be directd to a Court of Requests within the limits

7. Commissions may be issued for execution within the territories of Princes and States in alliance with the East India Company. Persons in service of East India Company required to obey such Commissions, &c.

8. Courts to which Commission is directed may punish disobedience to Commission as a contempt.

Superseded by the New Code of Civil Procedure, (Act VIII. 1859) as regards the Regulation Provinces and such of the non-regulation Provinces as the Code is extended to.

An Act for a more uniform and an improved process for taking the examination of absent witnesses, [or parties, by Act X. 1855, Section 15.]

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the Territories under the Government of the East India Company, and the several Judges thereof, in every Civil proceeding, depending in such Court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any Officer of any such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the Court where the proceeding shall be depending, or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such jurisdiction upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations as well within the jurisdiction of the Court wherein the proceeding shall be depending as without as may appear reasonable and just; provided always, that any Court to whom any such Commission shall be directed shall take the examination in open Court in all cases where witnesses are able to attend in Court and are not exempted from attendance by law

absolutely, or at the discretion of the Court. Provided also, that such Commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient. Provided also, that all Commissions issued and Orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any Order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first Order to be made in the matter, or any subsequent Order, to command the attendance of any such person to be named in such Order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such Order shall be deemed a contempt of Court and punishable as in other cases of refusing or neglecting to give testimony. Provided always, that every person whose attendance shall be requied under this Act shall be entitled to the like payment for expences and loss of time as upon attendance in Court in cases where such expences are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorized to take the examination of witnesses by any Order or Commission issued in pursuance of this Act, and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any Order or Commission for the examination of any witness under this Act shall be

issued, the Court or judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular enquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness, and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same. Provided however, that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the judge having jurisdiction within the district within which the Commission is to be executed. And the judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his District, which shall have the same effect for all the purposes of this Act as if the Commission had in the first instance been directed to such subordinate Court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same: and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate. [See Act X. 1855 s. 13 and Act XIX. 1853 s. 32.]

VI. And it is hereby enacted, that any Court other than one

of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such Orders as are indicated in the second and third Sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts, and all such Commissions and Orders except when directed otherwise than to a Court, shall be directed to a Court of Requests having jurisdiction within such limits or any part thereof.

VII. And it is hereby enacted, that such Commissions and Orders as aforesaid may be issued for execution under this Act within the territories of Princes and States in alliance with the East India Company, and all persons within such last mentioned territories being in the service of the East India Company are hereby required to pay obedience thereto, and for disobedience thereof shall on being found within the jurisdiction of the Court or Judge issuing any such Commission or Order, be punishable in like manner, as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any Court of Justice within the territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending, and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such Order as aforesaid as a contempt notwithstanding it shall not itself have made such Order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

INTERPLEADER.

ACT No. VIII. OF 1841.

[*Passed on the* 21*st June*, 1841.

1. *Person sued at Law, in Assumpsit, Debt, Detinue or Trover, for money or goods wherein he has no interest, and also claimed by some third party, may in case he does not collude with such third party be relieved by Court in such manner as the Court may order, either by a feigned issue or in a summary manner*

2. *The judgment in the issue, &c. directed by the Court, and the decision on the summary proceeding shall be final and conclusive*

3. *If the third party making the claim does not appear to support his claim, the Court may declare him for ever barred from prosecuting his claim against the original Defendant, but he may still prosecute his claim against the original Plaintiff.*

4. *Orders made by a single Judge liable to be rescinded by the Court like other orders made by a single Judge.*

5. *Proceedings commenced before a single Judge may by him be referred to the Court, which may dispose of the matter as if the proceeding had commenced by rule of Court.*

6. *Empowers the Court to grant the like relief to Sheriffs and other Officers having the execution of process, in case goods seized by them are claimed by third parties.*

7. *Rules, &c. to be entered of Record; Rule, &c. entered of Record to have the force of judgment, and costs directed by it to be paid may be recovered by Fieri Facias, &c.*

An Act to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims.

Whereas it often happens that a person sued at Law for the recovery of Money or Goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in Equity against the Plaintiff and such third party, usually called a Bill of Interpleader, which is attended with expense and delay.

I. It is hereby enacted, that upon application made by or on the behalf of any Defendant sued in any of Her Majesty's Supreme Courts in any action of Assumpsit, Debt, Detinue, or Trover, such application being made after declaration and before plea by Affidavit or otherwise, showing that such Defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such Defendant does not in any manner collude with such third party, but is ready to bring into Court or to pay or dispose of the subject matter of the action in such manner as the Court (or any Judge thereof) may order or direct, it shall be lawful for the Court, or any Judge thereof, to make rules and orders, calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the Plaintiff,

and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself Defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be Plaintiff or Defendant on such trial, or with the consent of the Plaintiff and such third party, their Counsel or Attornies to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

II. And it is hereby enacted, that the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, or under them.

III. And it is hereby enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party, and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original Defendant, his Executors or Administrators; saving nevertheless the right or claim of such third party against the Plaintiff; and thereupon to make such order between such Defendant and the Plaintiff, as to costs or other matters, as may appear just and reasonable.

IV. And it is hereby provided, that every order to be made in pursuance of this Act by a single Judge not sitting in open Court, shall be liable to be rescinded or altered by the Court in like manner as other orders made by a single Judge.

V. And it is hereby enacted, that if upon application to a Judge, in the first instance or in any later stage of the proceedings, he shall think the matter more fit for the decision of Court, it shall be lawful for him to refer the matter to the Court, and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by the rule of Court instead of the order of a Judge.

VI. And whereas difficulties sometimes arise in the execution of process against Goods and Chattels issued by or under the authority of the said Courts, by reason of claims made to such Goods

and Chattels by Assignees of Bankrupts and other persons not being the parties against whom such process has issued, whereby Sheriffs and other Officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such Sheriffs and other Officers; it is therefore hereby further enacted, that when any such claim shall be made to any Goods or Chattels taken or intended to be taken in execution under any such process or to the proceeds or value thereof, it shall and may be lawful to and for the Court from which such process issued, upon application of such Sheriff or other Officers made before or after the return of such process, and as well before as after any action brought against such Sheriff or other Officer, to call before them by rule of Court as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Sheriff or other Officer, all or any of the powers and authorities hereinbefore contained, and make rules and decisions as shall appear to be just, according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the Court.

VII. And it is hereby enacted, that all Rules, Orders, Matters and Decisions to be made and done in pursuance of this Act except only the Affidavits to be filed, may, together with declaration in the cause if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such Rule or Order, and every such Rule or Order so entered shall have the force and effect of a judgment except only as to becoming a charge on any Lands, Tenements or Hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his Agent or Attorney, execution may issue for the same by *Fieri Facias*, or *Capias ad satisfaciendum*, adapted to the case, together with the costs of such entry, and of the execution if by *Fieri Facias*, and such Writ or Writs may bear Teste on the day of issuing the same, whether in term or vacation, and the Sheriff or other Officer executing any such Writ shall be entitled

to the same fees, and no more as upon any similar Writ grounded upon a judgment of the Court.

BENGAL.—ABKAREE REVENUE.

ACT No. IX. OF 1841.

[*Passed on the 28th June*, 1841.

1. *Modifies Section* 14, *Act XXV.* 1840. *Offenders under that Section punishable with fine not exceeding* 200 *Rupees, or imprisonment not exceeding* 3 *months: or to like imprisonment if fine not paid. Sentence to be adjudged by Superintendent of Abkaree Revenue.*

An Act concerning the adjudication of certain penalties imposed by Act XXV. of 1840, for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

Repealed by Act XXI. 1856.

SHIP REGISTER ACT.

ACT No. X. OF 1841.

[*Passed on the 5th July*, 1841.

1. *Preamble Enacts: No ship, &c. to be deemed a British Ship unless it is registered and a Certificate in the form set forth has been obtained Form of Certificate.*

2. *What shall be registering ports. Ships built at other places, may make voyage to intended port under a specified Certificate, and shall be deemed British Ships whilst proceeding on such voyage.*

3. *Registrars under former law to be Registrars under present.*

4. *At every registering port a book of registry to be kept.*

5. *Declaration to be made, &c. by owner, &c. of ship before it is registered. Form of Declaration.*

6. *What further declaration shall be made if the required number of owners do not attend.*

7. *In order to secure a correct Certificate, Government may appoint proper persons to examine and admeasure every ship, &c. who shall certify the measurement, &c.*

8. *The rules by which the measurement shall be made.*

9. *In what manner the measurement of steam vessels shall be made.*

10. *An alteration in the cubical contents of the engine room shall render a new registry necessary.*

11. *In what manner the measurement of ships having their cargo on board shall be made.*

12. *The registered tonnage of every ship to be carved in figures and on the main beam of every ship prior to being registered.*

13. *Country craft not exceeding* 200 *tons may be registered according to rules prescribed by local Governments.*

14. *Registered tonnage to be ever after deemed the true tonnage, unless an alteration be made in the burden of the ship, or unless error in computation is discovered.*

15. *If Certificate of registry shall be sold, lent, or otherwise disposed of for use, &c. not intended, with privity, &c. of master or owner, party offending shall be liable to penalty not exceeding* 10,000 *Rupees. In case ship is lost or taken by the enemy, burnt or broken up, &c. or registered de novo, the Certificate of registry preserved shall be delivered up, &c. to Registering Officer, or in default thereof, master or owners to be liable to penalty not exceeding* 5,000 *Rupees. In case of change of ownership Certificate to be delivered up to Registering Officer, &c. and in default thereof master or owner to be liable to penalty not exceeding* 5,000 *Rupees.*

16. *In case of change of master, the change to be indorsed, &c. on certificate of registry, &c.*

17. *Registered name of ship not to be changed. Name of ship to be painted in white or red letters on a black ground at stern of the ship, and if wilfully altered, erased, &c. master or owners, &c. to be liable to penalty not exceeding* 10,000 *Rupees.*

18. *Persons applying for Certificate of Registry shall produce a full particular by the builder, or other sufficient evidence of the time and place where the ship was built, and of her tonnage, &c.*

19. *If Certificate of Registry is lost or mislaid, the Registering Officer, &c. may permit ship to be registered de novo, and grant a new Certificate. If Certificate is afterwards found, it shall be delivered up, &c.*

20. *Persons detaining the Certificate of Registry, &c. shall on conviction be liable to penalty of* 1,000 *Rupees, after which the Registering Officer may register ship de novo and grant new Certificate, &c.*

21. *If ship is altered so as no longer to correspond with her register, or if the ownership is altered, she shall be registered de novo.*

22. *To prevent the necessity of subpœnaing Registering Officer, copies and extracts of Registry, &c. shall be evidence, &c.*

23. *Any person making false declaration, or counterfeiting, &c. any Certificate, &c. shall be liable to penalty not exceeding* 10,000 *Rupees.*

24. *If Registered vessel comes to be owned by Native Prince or State, the Government of any Presidency may continue to such ship the privileges of a British Ship by a pass, &c. stating the period, &c. for which it is to last. And the like pass may be granted to ships built within the dominions of such Native Prince or State, &c.*

25. *The fees payable for Certificate or Pass to be fixed by the Governor General in Council.*

26. *Ships to be deemed to belong to the ports at which they are registered, &c. Proclamation.*

Act XI., 1850 made part of this Act.

An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the Territories, under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council, made in pursuance of the Statute 3rd and 4th Victoria Ch. 56.

Whereas by a Statute passed in the 3rd and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," it is enacted "That it shall be lawful for the Governor General of India in Council, by Proclamation, to declare that all ships or vessels built or to be built within the limits of the Charter of the East India Company, being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging, under the Regulations hereinafter provided for, to any ports in the territories under the Government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the territories and dependencies thereof; provided that upon such declaration being made the said Governor General in Council shall, and the said Governor General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable penalties, concerning the registering, licensing and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same Statute as follows, that is to say, "And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to Native Princes or States in subordinate alliance with, or having subsidiary treaties with the East India Company, or owned by subjects of any such Princes or States, be it therefore enacted that the Governor General of India in Council may, by such Regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to

any of such privileges and advantages, any ships or vessels belonging to such Princes or States, or any of them, or owned by subjects of any such Princes or States; but any such Regulations shall provide for the granting to such ships or vessels fit and convenient licences or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas in pursuance of such enactments, it is expedient to frame such Regulations as are mentioned therein the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such Proclamation as aforesaid:

I. It is hereby enacted, that no ship or vessel shall be deemed a British ship under such Proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned within the territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorised to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:

"This is to certify, that in pursuance of the Act No. X. of 1841, of the Governor General of India in Council (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners,) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name) of (place at which the vessel shall be registered) which is of the burthen of (number of tons), and whereof (master's name) is master, and that the said ship or vessel was (when and where built) and (name and employment of Surveying Officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to

the above description, the said ship or vessel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed) ———— Collector or Registrar of Shipping.

And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

Names of several owners within mentioned.	*Number of shares held by each owner.*
Name	..... Thirty-two.
Name	Sixteen.
Name	Eight.
	&c. &c."

(Signed)——— Collector.

II. And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage of the purpose for registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such

ship or vessel shall be liable on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies to a penalty not exceeding 5,000 Rupees.

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 and 4 W. 4. Ch. 55, and such other or different persons as the local Governments may from time to time appoint for the ports under their respective Presidencies.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer, in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such Registering Officer shall forthwith, or within one month at the furthest, send to the Government of the Presidency to which he is subordinate, a true and exact copy, together with the number of every certificate which shall be by him so granted.

V. And it is hereby enacted, that no registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship or vessel required to be registered: —

I, A. B, of (place of residence and occupation) do truly declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present master, being (kind of build, burthen, etcetera as described in the certificate of the Surveying Officer) was (when and where) built, and that I the said (A. B.) and the other owners (names and occupations if any and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said (A. B.) and the said other owners (if any) am (or are) truly and *bona fide* a subject (or subjects) of Her Majesty, for whom the Governor General of India in Council, has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath

any share or part interest in the said ship or vessel. Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local Government to which he is subordinate.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

VII. And in order to enable the Registering Officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other Officers of Customs on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the local Governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every

such ship or vessel as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered, shall, previous to her being registered be measured and ascertained while her hold is clear, and according to the following rule; (that is to say) divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot, the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth and height of such part thereof as may be included within the bulk head; multiply these three measurements together and dividing the product by 92.4, the quotient will be the number of

tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner; that is to say, measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

X. repealed by Act XI. 1850.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established; (that is to say,) measure, first, the length on the upper deck between the afterpart of the stem and the forepart of the stern-post; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin, multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length, on the main beam of every such ship or vessel, prior to her being registered.

XIII. And it is hereby provided, that Country craft employed

in coasting voyages not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective local Governments.

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable upon conviction by information as aforesaid to a penalty not exceeding 10,000 rupees. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall, under any circumstances, have been registered *de novo*, the certificate, if preserved, shall be delivered up within one month after the arrival of the master in any port or place in the territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction by information as aforesaid to a penalty not exceeding 5,000 rupees. And if any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then

and in such case the certificate of registry shall within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the Registering Officer at such port, and if such ship or vessel shall be in any place not within the territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the master thereof in any port of the territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction before any Justice of the Peace in a penalty not exceeding 5,000 rupees, recoverable in manner provided by Act No. II. of 1839.

XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificate of registry at the port where such change shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East India Company, then such delivery, memorandum and indorsement shall be made and notice given at the first port within the territories of the East India Company at which the new master shall arrive after such change, in default of which delivery of the certificate such new master or any of the owners shall be liable on conviction before a Justice of the Peace, to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel, to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of

all and every ship or vessel which shall be so registered, shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint, or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs in a distinct and legible manner, and shall so keep and preserve the same, and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other document describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any Officer or Officers of Revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void, and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable on information as aforesaid to a penalty not exceeding 10,000 rupees.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a cetificate of the registry of any ship or vessel shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

XIX. And it is hereby enacted, that if the certificate of regis-

try of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted. Provided always that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction before any Justice in a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any

such last mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal, and if it shall appear to the said Justice on examination of such person or otherwise that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject on conviction before such Justice to a penalty not exceeding 1,000 rupees, recoverable as aforesaid, and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel who shall on the terms and conditions of law being complied with make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo;* and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship or vessel was registered, it shall be lawful for the said Officer to permit such ship or vessel to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

XXI. And it is hereby enacted, that if any ship or vessel after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo* in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the territories of the East India Company, on failure whereof such ship or vessel shall be deemed

to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction before any Justice to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XXII. And whereas great inconvenience may arise from the Registering Officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom. And whereas it would tend much to the despatch of business if the attendance of such Registering Officers with the same upon such trials were dispensed with: it is therefore hereby enacted, that the Registering Officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, register or entry, shall upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law without the production of the original or originals, and without the testimony or attendance of any Registering Officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such originals if produced by any Registering Officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of

any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable on conviction upon information as aforesaid to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State as aforesaid, it shall be lawful for the Government of Fort William in Bengal, or for the Governor in Council of any Presidency to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Company's Seal and subscribed by a Secretary to Government stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for the Governor of Fort William in Bengal, or the Governor in Council of any Presidency, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects, provided always, that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor Genera in Council has power to legislate.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different Presidencies.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered or in respect of which passes may

have been granted which are unexpired at the time of passing this Act, shall for the purpose of being deemed British ships be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels built and owned as required by the Statute 3 and 4 Vict. Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

The Governor General of India in Council hereby declares that all ships and vessels built or to be built within the limits of the Charter of the East India Company (as those limits are defined by the Statute 3d and 4th of Queen Victoria, Cap. 56, entitled "An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging under the provisions of the Act passed by the Governor General in Council No. X. of 1841, to any ports in the territories under the Government of the East India Company shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof.

MILITARY COURTS OF REQUESTS.

ACT No. XI. OF 1841.

[*Passed on the 5th July*, 1841.

1. *Repeals all Regulations concerning Military Courts of Requests. Act not to affect the jurisdiction of a single Officer in Madras and Bombay for trial of small suits, &c.*

2. *Actions against Native Officers, &c. shall be cognizable before a Military Court if value does not exceed 200 Rupees. But disputes of caste and concerning real property not to be determined before Military Court.*

3. *Commanding Officer to convene Military Court. Court to be composed*

according to orders of Commander-in-Chief, or, in absence of orders, according to discretion of Convening Officer, of 3 European or Native Commissioned Officers, and if of Native, with one European Officer to superintend, &c.

4. *Such Courts to be held monthly before pay day.*

5. *Forms of proceeding to be conformable to usages of Courts Martial. Court may summon witnesses and examine or dispense with attendance of parties at discretion, and may exercise powers created by Act VII.* 1841, *&c.*

6. *Witnesses omitting to attend, refusing to give evidence, &c. to be tried and punished, if amenable to Articles of War, by Court Martial; if not so amenable, in the nearest Court of the East India Company, &c.*

7. *Any person using menacing words, &c. or otherwise interrupting the proceedings of Court, to be tried and punished by like Courts respectively.*

8. *A record to be kept of every case tried before Military Court of Requests, &c. and to be trasmitted to the Officer Commanding the Station or Cantonment.*

9 *Where demand exceeds* 200 *Rupees, only that sum to be recoverable from one defendant by one plaintiff. Court may allow interest agreed upon not exceeding the rate established by usage. Contracts to be in writing, if debt exceeds* 20 *rupees and is not for goods bought and deliverred. Debt not recoverable after six years, unless promise to pay within that period.*

10. *Court may proceed in absence of the party, if he makes default after being duly required to produce his witnesses.*

11. *Commanding Officer may return proceedings for revision by the same or another Court. Second decree to be final, except in case of error of law. In case of new trial, further evidence may be received.*

12. *Plaintiff to prefer his claim in writing and deliver to the Station Officer. Claims to be scheduled and sent by Station Officer to Adjutants, &c.*

13. *Every decree of any Military Court of Requests to be published in Station Orders.*

14. *The execution of decrees may be either general or special.*

15. *Under general execution, if debt not paid forthwith, it may be levied on Debtor's Goods anywhere, and if Goods not sufficient, the debtor, unless a Soldier, may be imprisoned for two months and his Goods taken afterwards; and if a Soldier, it may be deducted from his pay.*

16. *Special execution may be satisfied out of pay and allowances of debtor. But not more than half of the pay, &c. of Commissioned Officers, or one-fourth of Non-Commissioned or Soldiers, to be stopped in any one month.*

17. *Beyond the Frontier, action to be for any amount, with appeal to the Sudder Adawlut of nearest Presidency if amount exceed* 200 *Rupees.*

18. *Act not to affect proceedings commenced before* 10*th August.*

Extended by Act No. XII. of 1842 to all persons serving with any part of the army, and receiving public pay in any capacity, menial servants and camp followers of every description.

An Act for consolidating and amending the Regulation concerning Military Court of Requests for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed; provided always, that nothing in this Act contained shall be held to alter or effect the jurisdiction of a single Officer duly authorized and appointed under the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively, or the trial by Punchayet of suits against Military persons according to the Rules in force under the Madras Presidency.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East India Company actions of debt and other personal actions against Native Officers, Soldiers and other persons amenable to the Articles of War for the Native Forces in the Military Service of the East India Company or residing within any Station or Cantonment, and carrying on any trade or business in a Military Bazar, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description abovementioned when the cause of action arose, and when the suit was instituted. Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste or concerning any right to real property.

III. And it is hereby enacted, that the Commanding Officer of any Station or Cantonment, or Officer commanding any portion of Troops in the field, is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commander-in-Chief for the time being of the Presidency within which the Station or Cantonment is situate, or, in the absence of such orders, according to the discretion of the Convening Officer, either of not less than three European Commissioned Officers, or of not less than three Native Commissioned Officers, and, in the latter case, with a European Officer of not less than five years' standing, to superintend and record the proceedings. Provided that if there be not a sufficient number of Officers to constitute a Court at the Station or Cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined att he nearest Station or Cantonment where a Military Court can be duly constituted as aforesaid.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native Troops in the service of the East India Company, as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East India Company, under Act No. VII. of 1841, provided that the depositions taken under a Commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held: Provided also that Commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the Commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the Rules contained in such Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not), the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War, by a Court Martial, or if not

amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President, or Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other or further demand for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court —and it shall be competent for every such Military Court to investigate any counterclaim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding 20 Rupees is founded, not being money due for goods bought and delivered, shall be in writing and expressed in the language of the defendant and signed by him, or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless

a direct promise to pay made within the six years of the commencement of the suit be proved.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend, either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Requests, such Court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff Officer, which Schedule is to be sent to Adjutants of Corps or Heads of Departments two days at least before the assembly of the Court, and the Adjutants or Heads of Departments shall be responsible that the defendants belonging to their respective Corps or Establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt if not paid forthwith, shall, under

the authority of the Commanding Officer in writing to be signed by him, be levied by seizure and public sale of such of the Debtor's Goods, (under which term are included houses or other erections within the limits of Stations and Cantonments) as may be found within the limits of the Station or Cantonment, or elsewhere; and if sufficient Goods are not to be found, the debtor, if not a Soldier, shall be arrested and imprisoned in any Civil Gaol near to the Station or Cantonment, (for which purpose the provisions of Act No. II. of 1840 shall be applicable) or in any other convenient place of confinement situate within the limits of the Station or Cantonment, for the space of two months, unless the debt be sooner paid, and his Goods, if found within the limits of the Station or Cantonment or elsewhere at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a Soldier and the debt be not liquidated by sale of his effects, (Accoutrements and Necessaries excepted,) an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor and not otherwise. And a certificate of the decree, and direction or order thereon, certified under the hand of the Commanding Officer and signed by him, shall be a sufficient authority for making such stoppages. Provided always that no more than one-half of the pay and allowances of any Commissioned Officer, or than one-fourth of the pay and allowances of any non-Commissioned Officer or Soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand: Provided that such Military Courts beyond the Frontier shall be composed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

XVIII. And it is hereby enacted, that this Act shall not affect

the proceedings upon any suit heretofore commenced or which shall be commenced before the Tenth day of August next.

BENGAL.—REVENUE SALE LAW.

ACT No. XII. OF 1841.

[*Passed on the 19th July*, 1841.

1. *Repeals Section 2, Regulation 14, 1793; Section 2, Regulation 3, 1794; Regulation 11, 1822, except Sections 36 and 38, and Regulation 7, 1830.*

2. *No demand shall be made of interest or penalty upon arrear of Land Revenue after the 1st January*, 1842.

3. *Sudder Board of Revenue for each permanently settled District or Zillah, shall fix the days for sale of Mehals for arrears of Revenue, and give notice thereof in the Calcutta Gazette; direct corresponding notice in the language of the District to be given in the Office of the Collector, &c. and in the Courts of the Judge, &c. which days shall not be changed without fresh notifications, &c. Previous to each fixed day 15 days' notice to be given, and in the interval the Collector shall furnish to enquirers particulars as to estates in balance, &c.*

4. *In Districts not permanently settled and in the Province of Benares, no sale shall take place, &c. without the special sanction of the Sudder Board of Revenue in each several case.*

5. *Defines an arrear to be, any portion of a kist of one month, remaining unpaid on the first of the following month.*

6 *All estates (except, &c.) in arrear at sunset of the day preceding a fixed sale day, shall on such sale day, &c. be put up to auction, &c. and no payment or tender subsequent to such sunset shall bar or interfere with the sale.*

7. *No claim to abatement of Revenue unless allowed by Government, nor any private demand by any defaulter against Government, nor money of the defaulter's in the hands of the Collector unless it stands in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, shall bar a sale, or render a sale void or voidable.*

8. *No estates shall be sold for arrears of 5 specified descriptions, except after 15 days' notification, &c. specifying the nature and amount of the arrear or demand, in the Office of the Collector, &c. in the Courts of the Judge, &c. and at the Police Thannah, and at the Cutcherry of the Malgoozar of the estate, &c. Notification to declare the latest period at which payment or tender may bar sale.*

9. *Persons not proprietors may, at any time before sunset of the day preceding the fixed sale day, deposit the amount of the arrear of Revenue: and if the party making the deposit be a suitor in some Court for the estate, he may be put in possession, under the usual rules: or if he made the deposit for the protection of an interest, he may recover the amount with interest from the proprietors of the estate.*

10. *No estate shall be liable to sale for arrears accrued while it was under Court of Wards, nor estate of minor acquired by inheritance, &c of which Court of Wards has not taken management; nor estate under attachment by the Revenue authorities, until after the end of the year in which the arrears accrued.*

11. *Collector &c. may, for special reasons to be recorded, exempt an estate from sale.*

12. *Sales to be made at Cutcherry of Collector unless otherwise ordered by Sudder Board.*

13. *If Collector is unable from sickness, &c. to commence sale, or to complete it on fixed day, he may adjourn to the next day not being Sunday or holiday, &c.*

14. *Estates to be sold in the order in which they stand on the Towjee.*

15. *Purchaser to deposit in Cash, Bank Notes, Post Bills, or Government Securities, 25 per cent. of his purchase money, or in default estate to be put up again.*

16. *Entire purchase money to be paid in 30 days from day of sale, or in default, deposit to be forfeited and estate sold again, and loss on re-sale to be borne by defaulter. Re-sale to be made in forms prescribed by Section 8.*

17. *After sale notice to be given, &c to ryots and under-tenants not to pay their rents to former owner.*

18. *Commissioners of Revenue may receive an appeal within 15 days after sale, and annul sale, and award Compensation in certain cases to purchaser, but not exceeding interest on his deposit, &c.*

19 *In case of hardship or injustice, the Commissioner may suspend passing final orders and represent case to the Sudder Board, who may recommend the Local Government to annul the sale, &c.*

20. *Sales to be final, unless appealed against within 30 days, or appeal has been dismissed.*

21. *Collector to give purchaser Certificate of title. Form of Certificate. Transfer to be proclaimed in Cutcherry, &c. Purchase money how to be applied.*

22. *Suit to oust the certified purchaser on ground that purchase was made for another, to be dismissed with costs.*

23 *Annulment of sale to be notified by Collector, &c. purchase money to be returned to purchaser, with interest, &c.*

24 *Party certified as proprietor shall be answerable for Revenue accrued after day of sale, and in case of re-sale for Revenue after first day of sale.*

25. *Sale not to be set aside, unless contrary to the provisions of this Act, &c. sale not to be contested by any person who has received part of the purchase money. Person aggrieved by sale, to have his action for damages.*

26. *If sale is reversed, purchase money shall be repaid by Government with interest*

27. *Purchaser shall take the estate free from incumbrances, and may enhance the rents of under-tenures, and eject the tenants, except in 5 specified cases.*

28. *The purchaser shall take the estate free from incumbrances imposed subsequent to last settlement, and may annul all tenures or agreements subsequent to last settlement, &c. Proviso, against purchaser demanding higher amount of rent than was demandable by former Malgoozar, except where rent was reduced by abatements granted by special favour of such Malgoozar.*

29. *Before sale is made, Local Government may direct it to be made subject to leases, assignments or other incumbrances. Notice of such condition to be given: but such restricted sale may be cancelled, and re-sale without restrictions made, except in specified cases, if the future realization of the Revenue is endangered. Estate once sold subject to incumbrances may, at any future sale, be sold without restrictions.*

30. *Excepting copartners under Butwarrah, &c. proprietor of estate purchasing it himself, &c. shall re-acquire subject to all incumbrances. Estates sold for arrears due in respect of other estates shall be taken subject to incumbrances.*

31. *Arrears of rent due from tenants to defaulter at date of sale may be recovered by any process except distraint, &c.*

32. *Any Collector, &c in respect to sales, may punish contempt committed in his presence, in open Cutcherry &c. to extent of* 200 *Rupees, commutable to one month's imprisonment, &c. subject to an appeal to the Revenue Commissioner.*

33 *A default to make good a bid by paying deposit shall be held a contempt.*

34. *Act to be confined to Bengal, Behar, Orissa and Benares, now subject to Regulations of Ceded and Conquered Provinces, &c. and not to extend to Calcutta or Straits Settlements.*

35. *Act to take effect from* 1*st January,* 1842.

Repealed except ss. 1 and 2 by Act I. 1845, which has since been repealed by Act XI. 1859. I have retained this Act, although repealed, on account of historical value and possible bearing on titles.

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

Whereas it is deemed expedient, with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue :—

I. It is hereby enacted, that Sec. 2, Reg. XIV. 1793 : Sec. 2, Reg. III. 1794; Reg. XI. 1822, except Sections 36 and 38, and Reg. VII. 1830 are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV. of this Act.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing, by sale of Mehals, the arrears of Land Revenue due thereupon. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette; and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder Moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collectors shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of Revenue.

VI. And it is hereby enacted, that except as hereinafter excepted, all Estates from which at sunset of the day preceding that fixed

for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale either at or after its conclusion.

VII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than fifteen clear days preceding the day of sale, in the Office of the Collector, or other Officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of all the Principal Sudder Ameens, Sudder Ameens and Moonsiffs of the District and at the Police Thannah of the Division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the Officer at whose Office such publication may have been made; and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which

may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale, either at or after the transaction.

First.—Arrears due from or to be recovered by the sale of estates not permanently settled.

Secondly.—Arrears other than those of the current or of the preceding year.

Thirdly.—Arrears due on account of estates other than that to be sold.

Fourthly.—Arrears of estates under attachment by order of the Judicial Authorities.

Fifthly.—Arrears due on account of Tuccavy, Poolbundee or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

IX. And it is hereby enacted, that the Collectors shall, at any time before sunset of the day preceding the fixed day of sale, receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly no-

tified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case, and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall

be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry: and so on, from day to day, until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Officer of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied

and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the Collector, or other Officer as aforesaid, shall affix a proclamation in the language of the District in his Cutcherry; and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such estate may be situated; and also at the Cutcherry of the Malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI. or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injus-

tice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

XX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XXI. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:

I certify that A. B. has purchased at Public Auction under Act XII. of 1841, Mehal C., and that his purchase has taken effect on and since the ——day of——(being the date of sale).

(Signed) D. E. *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate or on some conspicuous place on the estate; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale; and secondly, to the liquidation of all outstanding demands debited to the Mehal in the Public Accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be

paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale; provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

XXV. And it is hereby enacted, that no sale for arrears of

Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioners under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money; Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to increase of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under *bonâ fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty, by suit in Court, to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like, settled or credited by the first engager or his representatives, subsequently to the last Settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses or buildings, or for offices thereunto belonging or

for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect .Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that, by reason of the restriction, the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above

description, it shall at all times be competent to the Local Government to direct that the *Muhal* shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first shall become void at the second sale.

XXX. And it is hereby enacted, that excepting copartners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner; or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act: and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such pruchase acquire the estate subject to all its incumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or office for the time being, by fine, to an extent not exceeding Company's Rupees 200, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces, similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settlements of Singapore, Penang or Malacca.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the First day of January, 1842.

WAREHOUSING ACT.

ACT No. XIII. OF 1841.

[*Passed on the* 16*th August*, 1841.

Import Duty on Wine and Spirits to be settled on quantities registered at time of importation. Warehouse-keeper in accounting with the Customs. Department, to be allowed ullage at the rate of 10 *per cent. for one year, &c.*

An Act for explaining the Provisions of Act No. XXV. of 1836.

It is hereby declared and enacted, that the Import Duty on Wine and Spirits in Casks shall be settled on the quantities registered at the time of Importation without any deduction whatsoever: Provided always, that the Keeper of every Warehouse indicated by Act No. XXV. of 1836, shall, in accounting with the Customs' Department for the article so warehoused, be allowed ullage on such Wine and Spirits at the rate of 10 per cent. for one year according to the time for which such Wine and Spirits shall have been lodged.

BOMBAY AND COLABA.

ACT No. XIV. OF 1841.

[*Passed on the 23rd August*, 1841.

1. *Whoever shall sell as good meat the flesh of animals that have died, or other noxious provisions, or shall use false weights, &c. or shall be guilty of any nuisance, &c. in any Market, &c. may be fined not exceeding* 200 *Rupees.*

2. *Any Magistrate of Police may examine weights, &c. and provisions, &c. and destroy false weights and noxious provisions Persons obstructing Magistrate of Police in this duty may be fined by Petty Sessions, not exceeding* 200 *Rupees, or imprisoned with or without hard labour for* 3 *months.*

An Act for the better regulation of Markets in the Islands of Bombay and Colaba.

Repealed by Act XI. 1856.

CALCUTTA.

ACT No. XV. OF 1841.

[*Passed on the 23rd August*, 1841.

Repeals Section 7, *of Regulation* 9, *of* 1819.

An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.

Whereas great inconvenience has been experienced by residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7. And whereas there is no occasion for requiring such security now that, by Act No. XXIII. of 1840, property within Calcutta is liable to be seized under the process of the Mofussil Courts;

It is hereby enacted, that Section 7, Regulation IX. of 1819, of the Bengal Code, is hereby repealed.

OATHS OF OFFICE.—JUSTICES OF THE PEACE.

ACT No. XVI. OF 1841.

[*Passed on the 30th August*, 1841.

1. *All persons in any Commission of the Peace may act as Justices of the Peace in every respect according to the tenor of the Commission, upon taking and subscribing in any Civil or Criminal Court within, &c the appointed Oaths.*

2. *Justice of the Peace who has had Oath of qualification administered to him by other Justice of the Peace shall be deemed qualified.*

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course theretofore deemed necessary for taking of Oaths by Justices of the Peace, in order that they may be duly qualified to act under Commissions of the Peace;—It is hereby enacted, that all persons who are or shall be nominated and appointed in any commission of the Peace, shall be capable of acting as Justice of the Peace in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commission shall have issued before the Officer presiding in such Court, whether such Officer be a justice of the Peace or not, the Oaths appointed to be taken by Justices of the Peace; and the subscription of such persons to the said Oaths shall be deposited and kept with the Records of the Courts of Justice in which the said Oaths shall have been administered.

II. And it is hereby enacted, that every Justice of the Peace who, before the passing of this Act, shall have had administered to him the Oaths of Qualification by any other Justice of the Peace, shall be deemed to have been duly qualified to act as a Justice of the Peace from the time of taking such Oath, and shall continue so qualified notwithstanding such Oath may not have been taken in a Court of Justice as required by any previous Law. or by this Act.

BENGAL.--APPEALS IN SUDDER COURTS.

ACT No. XVII. OF 1841.

[*Passed on the 30th August*, 1841.

1. *The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, within the Territories subject to the Presidency of Fort William may transfer to Register the duty of preparing appealed causes for trial and of executing the decrees &c of the said Courts, and may authorize him to issue process.*

2. *Not necessary to take security for costs in proceedings before such Courts: such Courts may frame Rules of practice: rules to be submitted to Governor General in Council for approval.*

Repealed by new Code of Civil Procedure, Act VIII. 1859 except as to non-regulation Provinces.

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut, in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the general Regulations of Government.

II. And it is hereby enacted, that in proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such Rules of practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite. And such Rules when so framed shall be submitted to the Governor General of India in Council; and after the same shall have been approved by the said Governor General of India in Council, they shall be of the same force as if they were inserted in this Act.

ARMS, AMMUNITION AND MILITARY STORES.

ACT No. XVIII. OF 1841.

[*Passed on the* 30*th August*, 1841.

1. *Arms, Ammunition, &c. not to be exported or taken from Territories of East India Company without a license, &c. Arms, &c. exported &c. contrary to this Act to be forfeited. Offender to be liable to penalty of* 500 *Rupees.*

2. *Any person collecting in one place, or in places not exceeding* 3 *miles of one another more than* 50 *pounds of Gunpowder without license, liable to penalty not exceeding* 500 *Rupees, and Gunpowder to be forfeited, &c*

3. *The Governments of the Presidencies may allow the exportation of Gunpowder without license.*

An Act for consolidating and amending the enactments concerning the exportation of Military Stores.

I. It is hereby enacted, that Arms, Ammunition and Military Stores (with the exception of Arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the Territories of the East India Company, without a license from a public Officer or Officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers in regard to such exports by the aforesaid Governments respectively. And any Arms, Ammunition or Military Stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licenses, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. Repealed by Act XIII. 1852, s. 37.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow, at any Port or Ports, the exportation of Arms, Ammunition and Military Stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

CURATORS.

ACT No. XIX. OF 1841.

[*Passed on the 6th September*, 1841.

1. *When a person dies leaving property, the person claiming a right to it by succession, may apply to a Judge &c. for relief or assistance, to obtain possession.*

2 *Any agent &c. or next friend, or the Court of Wards, in the case of an infant, &c may make like application.*

3. *The Judge to whom such application is made shall enquire &c. whether there is strong ground to believe that the party in possession has no lawful title, and whether applicant is likely to be prejudiced if left to his ordinary remedy.*

4. *If Judge is satisfied that there is such strong ground of belief, he shall cite the party complained of, &c. and deliver possession &c. Judge may appoint officer to take inventory, &c.*

5. *In case of danger of misappropriation of property before suit can be determined, Curators may be appointed, &c.*

6. *Judge may authorize Curator to take possession of property generally or until security be given, &c.*

7. *Curator to give security: his remuneration not to exceed 5 per centum on personal property and annual rent of real property. Surplus to be paid into Court, and invested in Public Securities.*

8. *If the estate of the deceased consists of land paying revenue, the Judge shall demand a report from Collector, as to propriety of citing the party in possession &c. but he shall not be obliged to conform to report of Collector, &c.*

9 *Curator to be subject to orders of Judge regarding the institution, &c. of suits. Suits to be instituted, &c. in name of Curator.*

10. *Pending custody by Curator, Judge may order allowances to parties having prima facie right.*

11. *Curator to file monthly accounts in abstract, and every 3 months detailed accounts.*

12. *Accounts of Curator to be open to inspection of parties interested. Party interested may appoint person to keep a Duplicate of Curator's accounts.*

13. *After appointment of Curator, no second shall be appointed in respect of same property. Where several Curators are appointed in respect of several parts of an estate, the Sudder Dewanny Adawlut may make order for appointment of one Curator for the whole.*

14. *The provisions of this Act not to be put in force, unless application be made within 6 months after decease.*

15. *This Act not to be applied in contravention of any public act of settlement; nor where deceased proprietor has left directions respecting the possession of his property.*

16. *Possession of Court of Wards not to be disturbed under this Act. In case of minors and other disqualified persons, the Court of Wards to be invested with Curatorship of estate pending suit, &c.*

17. *Nothing in this Act or done under it, shall prevent the institution of a regular suit.*

18. *The decision in summary suits under this Act shall have no other effect than that of settling the actual possession; for which purpose it shall be final.*

19 *The Governments of the different Presidencies may appoint public Curators for any district. The Judge shall nominate such public Curator where the choice is left with him*

20. *If person dies leaving property within local limits of Supreme Court, and such Court shall be satisfied that danger of misappropriation &c. of property is to be apprehended, the Court may authorize the Ecclesiastical Registrar or one or more Curators to collect the effects &c. and to hold or deposit the same, &c.*

Made applicable to Madras and Bombay by Act VIII. 1842.

An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions.

Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession. And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the

same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

I. It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the District where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide.*

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to a regular suit as hereinafter mentioned) and shall deliver possession accordingly; provided always that the Judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same; upon being applied to for the purpose, without delay, whether ho

shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the Judge to appoint one or more Curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always that, in the case of land, the Judge may delegate to the Collector or to his officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted, that the Judge shall have power to authorize such Curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession on giving security, or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the Judge shall exact from the Curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property and on the annual profits of the real property. All surplus monies realized by the Curator shall be paid into Court, and invested in public Securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be

required from the Curator with all reasonable despatch, and where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a Curator, and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted, that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the Curator's appointment for the collection of debts or rents; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted, that, pending the custody of the property by the Curator, it shall be lawful for the Judge to make such allowances to parties having a *primâ facie* right thereto as upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the posses-

sion of the property, file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted, that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator. And if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding 1,000 Rupees for every such default.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other Curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of another Curator in respect of the residue or any portion thereof; provided always, that no Judge shall appoint a Curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge; and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of Settlement. Neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease, in the event of minority or otherwise, in opposition to such directions, but, in every such case, so soon as the Judge having jurisdiction over the

property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person, whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge, if he determines to cite the party in possession, and also appoint a Curator, shall invest the Court of Wards with the Curatorship of the estate pending the suit, without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under preceding provisions of this Act.

XX. Repealed by Act No. VIII. 1855, s. 13.

COLLECTION OF DEBTS.

Repealed by XXVII of 1860

ACT No. XX. OF 1841.

[*Passed on the 6th September*, 1841.

1. *No debtor of any deceased person shall be compelled to pay, except on production of Certificate, &c. or Probate &c. unless Court shall be of opinion that payment is withheld fraudulently, &c.*

2. *The Zillah or District Court within whose jurisdiction property of deceased is found, may grant Certificate under this Act upon petition setting forth title of claimant, &c. Judge to issue notice and fix a day for hearing, &c.*

3. *The Certificate of Judge shall be conclusive of the representative title against all debtors of deceased and shall be a sufficient warrant for them to pay their debts.*

4. *Judge may take security from persons to whom he grants Certificate for rendering an account and for indemnity of persons entitled.*

5. *The Grant of Certificate may be suspended by Appeal to Sudder Dewanny Adawlut, which Court may direct to whom Certificate shall be granted, &c. and may supersede Certificate already granted, and grant fresh Certificate.*

6. *Certificate to give authority throughout the Presidency.*

7. *Person having Certificate may be authorized by the terms of the Certificate to receive interest on Government Notes.*

8. *Payments bona fide made to the holder of Certificate which is invalid by reason of a prior Certificate, shall be good against claimant under the elder Certificate.*

9 *and* 10. *Certificate in respect of property of Hindoos, Mahomedans and others not usually called British subjects, not valid if made after Probate or Letters of Administration, &c. But payments made to holder of Certificate in ignorance of previous Probate &c. to be good against person claiming under Probate.*

11. *and* 12. *No Probate. &c. valid after grant of Certificate, &c. But payments bona fide made to holder of Probate to be valid against holder of Certificate.*

13. *Curators appointed under Act* 19, 1814, *not to exercise any powers which but for that Act would belong to holders of Certificate under this. But payments to Curators shall be good, and Curators be responsible to holder of Certificate.*

14. *All Probates &c. granted by H. M.'s Courts. in cases in which assets were within the local jurisdiction of such Courts shall have the effect of Probate &c. granted in respect of British subjects for the purpose of recovering debts only &c. except as in this Act provided.*

15. *This Act not to extend to persons usually designated as British subjects.*

Amended by Act X. of 1851 and explained and amended by Act VII. of 1854. See Act XXVI. 1855, s. 1 as to administration of sums not exceeding 500 Rupees in Government Savings Bank.

An Act for facilitating the Collection of Debts on successions, and for the security of parties paying debts to the Representatives of deceased persons.

Whereas it is expedient to provide greater security for persons paying to the Representatives of deceased Hindoos, Mahomedans, and others not usually designated as British Subjects, debts which are payable in respect of the Estates of such deceased

persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:—

I. It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of Law to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a Probate or Letters of Administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Judge shall issue notice of application, investing claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.

III. And it is hereby enacted, that the certificate of the District or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favor the certificate has been granted.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The Court may also, upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah

Judge, and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government Notes, and Dividends, or on Shares of any Bank or parts thereof, and to negotiate such Securities. He may be also empowered to receive a share of such interest of dividends or to negotiate a share of such Securities. But these powers shall only arise by express words in the certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans, and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a Probate or Letters of Administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the Probate or Letters of Administration.

X. And it is hereby provided, that where a certificate shall have been granted, in cases in which such certificate would be valid, but for a Probate or Letters of Administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the Probate or Letters of Administration shall be held good against claims under the Probate or Letters of Administration so previously granted.

XI. And it is hereby enacted, that no Probate or Letters of Administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such Probate or Letters of Administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificates.

XII. And it is hereby provided, that where Probate or Letters of Administration may have been granted, in cases in which such Probate or Letters of Administration would be valid, but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XIII. And whereas, under Act No. XIX. of 1841, Curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to Executors and Administrators, it is hereby enacted that Curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, Executors or Administrators, where a Certificate, Probate or Letters of Administration has been actually obtained; but all persons who may have paid debts or rents to a Curator authorized by a Judge to receive the same shall be indemnified, and the Curator shall be responsible for the payment of the same to the person who has obtained a certificate, the Executor, or Administrator, as the case may be.

XIV. And it is hereby declared and enacted, that all Probates and Letters of Administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the Court granting the Probate or Letters of Administration, shall have the effect of Probate and Letters of Administration, granted in respect of the property of British Subjects but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British Subject.

LOCAL NUISANCES.

ACT No. XXI. OF 1841.

[*Passed on the 6th September*, 1841.

1. *Any Magistrate may cause unlawful obstructions and nuisances to be removed from thoroughfares, &c. and suppress, &c. trades, &c. injurious to the health of the community, and prevent the construction of buildings, &c. in a manner likely to occasion conflagration, &c.*

2. *In acting under authority of above Section, the Magistrate, after enquiry, &c shall issue injunction, to be served personally, or, in specified case to be notified by proclamation, &c. Magistrate may enforce injunction, and fine for disobedience not exceeding 200 rupees, or imprison without hard labor not exceeding 1 month. Magistrate may remove noxious or dangerous article, &c. and sell the same, to defray expense, &c. Magistrate may compel the owner of tanks, &c. to fence tanks, &c.*

3. *Person affected by an injunction may, within 10 days, petition to have a Jury or Punchayet to try and decide the question. Magistrate shall thereupon order the appointment of a Jury or Punchayet of not less than 5 persons, the President and two members thereof to be nominated by the Magistrate, and the other two by the party petitioning. Injunction to be suspended pending enquiry, &c.*

4. *Proceedings of Magistrate under this Act to be subject to Appeal.*

5. *Act not to apply within local limits of Her Majesty's Courts.*

Act XXI. 1857 partially superseded this Act and is supplementary to it.

An Act for the better prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that, in exercising the authority conferred by the above Section, the Magistrate shall, after holding such enquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be

served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall be notified by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees, or by imprisonment without labor for any period not exceeding one month, and if the Magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition, to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publication of such notice, that a Jury or Punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a Jury or Punchayet, which shall consist of not less than five persons, whereof the President and one-half of the other Members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining Members shall be nominated by the party petitioning. And the Magistrate shall suspend the further execution of the injunction or order pending such enquiry, and be guided by the decision of the said Jury which shall be according to the opinion of the majority. Provided however that if the petitioner shall by neglect or in any other way prevent the appointment of such Jury or Punchayet, or if, from any cause, the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such

period, unless they be continued by special order of the Magistrate, and if, from any of the above causes, no decision be made by a Jury or Punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act shall be subject to the like appeal as other orders of Magistrates according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of justice.

TOWN OF MADRAS.—MUNICIPAL RATES.

ACT No. XXII. OF 1841.

[*Passed on the* 11*th October*, 1841.

1. *The assessments under Statute* 33 *George* 3, *Chap.* 52, *to be applied to lighting and watering the roads and streets and cleansing and repairing the same and the drains.*

2. *Sufficient rates to be made, but not exceeding* 5 *per cent. on rateable value without the sanction of the Governor in Council.*

3. *The Justices at their Quarter Sessions shall publish accounts of expenditure and collections during the preceding quarter.*

4. *Upon application of two-thirds in number and value the Governor in Council may authorize the rate-payers of any division to undertake the assessment, &c. of the rates, on a scheme to be approved by the Governor in Council. Amount to be levied in each division not limited to amount expended therein.*

5. *The Governor in Council may appoint assessor, &c. and prescribe rules and take security for the due execution of this Act, &c.*

6. *Names of owners, &c. not necessary to be specified in assessment or warrant &c. Sufficient if property rated be identified, &c.*

7. *Goods, &c. of owner of rated property may be seized any where except, &c. for rates. All property on rated premises seizable. Tenant may deduct from his rent the amount levied for rate.*

8. *If property liable to distress is suspected to be concealed in zenana, the Officer charged with execution of warrant, to follow rules adopted in like case by Her Majesty's Supreme Court.*

9. *One Justice of the Peace for Madras may issue distress-warrant under Statute* 33 *Geo.* 3, *Chap.* 52.

For amending the Law with respect to rates for Municipal purposes within the Town of Madras.

Repealed by Act XXVI. 1845 but assessment made under above Act, to remain in force until altered under new Act.

MADRAS.—IMPORTS. RUM.

ACT No. XXIII. OF 1841.

[*Passed on the 11th October*, 1841.

1. *If any person lands, &c. in territory subject to the Presidency of Madras any Rum or Rum Shrub the produce of any foreign country, or of British possession into which foreign Sugar or Rum, can be legally imported, such Rum, &c. shall be seized, &c. and brought to confiscation, &c., unless the District in which the same, &c. is imported be one into which such importation is authorized by the Governor in Council.*

2. *Owner of Rum, &c. the produce of the said territories, desirous to obtain Certificate of origin, shall make a declaration in Form A. appended to which shall be a Certificate of its truth from the Officer attached to the Distillery where it was made.*

3. *If the District be one into which the Governor in Council has not authorized the importation of foreign Sugar, &c. or of Sugar the growth, &c. of British possession into which foreign Sugar, &c can be legally imported, the Officer before whom declaration is made shall grant Certificate in Form B.*

4. *and* 5. *Person intending to ship Rum, &c. for the United Kingdom, may produce to the Collector of Customs, &c. a Certificate as above, and make declaration in Form C. and such Officer, unless he deems such declaration untrue, shall grant Certificate in Form D.*

6. *Owner of Rum, &c. not entitled to Certificate under this Act, unless the Rum, &c. is the produce of a distillery worked in the European method, &c.*

7. *The Rum, &c. manufactured for exportation to the United Kingdom shall be manufactured pure, without admixture of spirits made from Rice, &c. or other substance not the produce of the Sugar-Cane, &c. and shall be so declared.*

8. *If Rum, &c. brought to Customs for exportation shall be found to be adulterated, &c. the same with the casks, &c. shall be seized, &c. and the parties may be proceeded against for false and fraudulent declaration.*

9. *Any person knowingly affirming an untruth in any declaration, shall be punished as for perjury, and person procuring untrue affirmation, shall be punished as for subornation of perjury.*

10. *Nothing in this Act to prevent the necessity of a license under Regulation* 1, 1820, *for person intending to manufacture Rum, &c.*

Schedules A B C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort St. George in Madras.

I. It is hereby enacted, that if any person after the passing of this

Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort St. George in Madras, any Rum or Rum Shrub, which is the produce of any Foreign country. or of any British possession into which Foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the Rules in force for confiscating such Goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a District in which the Governor in Council has authorized the importation of such Rum or Rum Shrub, and it shall be lawful for the Governor in Council to authorize the importation of such Rum and Rum Shrub into any District of the Territories aforesaid by an Order in the Official Gazette.

II. And it is hereby enacted, that if any Owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorized Agent of such Owner, be desirous to obtain a Certificate of Origin from the Collector or Assistant Collector of the Land or Customs Revenue of any District within the said Territories, or from any other Officer appointed by the Governor in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked A. and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured, in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British Possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to

ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce, to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs, a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such Owner, shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under License from the Board or other authority vested with the management of the Revenue derived from the Abkarry or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure, without admixture of Spirits made from Rice, Grains, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for

the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall, in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such Court as would be competent to try such person for Perjury, be punished as in cases of Perjury, and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of subornation of Perjury, and any Officer of Government subscribing an Attestation to the verity of such Declaration, knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, beside dismissal from the employment of Government.

X. And it is hereby provided, that notwithstanding any thing in this Act contained, no person intending to manufacture Rum or Rum Shrub within the Presidency of Madras shall establish a Distillery for such purpose without making application for a License in manner directed by Regulation I. of 1820 of the Madras Code; and every person manufacturing Rum or Rum Shrub within the Madras Presidency, without having first obtained such License, shall be liable to the penalties provided in that Regulation.

SCHEDULE A.—I, A. B., solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named ——— in the District of ———, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of spirits manufactured from Rice, Grains, or any other substance whatever.

The ——— day of ——— 18—. (Signed) A. B.

* I, B. B., Government Officer in charge on the part of Government of the ——— Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.,
Govt. Officer attached to the
——— Distillery.

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* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officers may be attached.

Description of the ——— to which the above Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages.

(Signed) A. B.

The ——— day of ——— 18—.

Collector's number ———.

Collector's date ——— of ——— 18—.

(Signed) Y. Z., *Collector.*

Seal of the Collector.

SCHEDULE B.—I, C. D., Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ——— do hereby in conformity with the provisions of Act ——— grant this Certificate under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18—, dated the ——— of ——— 18—, and signed by ———, Manager or Owner of the Licensed Distillery called ———, is the produce of the District of ———, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S. (Signed C. D.

This ——— day of ———.

SCHEDULE C.—I, E. F., Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates, (Signed) E. F.

Description of ——— to which this Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) E. F.

The ——— day of ——— 18—.

SCHEDULE D.—I, R. W, Collector of Customs, (or being an Officer appointed by the Governor in Council to act in this behalf) for the Port of ——— certify under my hand and seal, that there has been produced to me by E. F., the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal of C. D., Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ———, in the Territories forming part of the Presidency of Fort St. George, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S. (Signed) R. W.,

Collector of Customs.

The ——— day of ——— 18—.

Description of the ——— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.,

Collector of Customs.

ILLUSORY APPOINTMENTS, &c.

ACT No. XXIV. OF 1841.

[*Passed on the 18th October*, 1841.

1 *and* 2. *Statute* 11 *George* 4, *and* 1 *William* 4, *Cap.* 40, *and Cap.* 65 *to be extended to the territories of the East India Company.*

3. *Statute* 11 *George* 4, *and* 1 *William* 4, *Cap.* 60, *except so much as provides that it shall not extend to cases of partition, extended to the territories of the East India Company, as far as it is applicable, &c.*

4. *Statute* 11 *George* 4, *and* 1 *William* 4, *Cap* 47, *Sections* 10 *and* 11 *extended to the territories of the East India Company.*

5. *This Act to extend only to cases governed by English Law.*

Extended by Act XIV. 1852 to the Straits Settlements.

An Act for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the Effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.

I. It is hereby enacted, that the Statute XI. George IV. and I. William IV. Ch. 40, entitled "An Act for making better provision for the disposal of the undisposed of residues of the Effects of Testators, shall be extended to the Territories of the East India Company as far as it is applicable to the same. Provided that this Act shall take effect from the first day of Jauuary next, which day is substituted for the first day of September mentioned in the Statute.

II. And it is hereby enacted, that the Statute XI. George IV. and I. William IV. Ch. 46, entitled "An Act to alter and amend the Law relating to Illusory Appointments," and the Statute XI. George IV. and I. William IV. Cap. 65, entitled "An Act for consolidating and amending the Law relating to property belonging to infants, feme coverts, idiots, lunatics and persons of unsound mind," shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statute XI. George IV. and I. William IV. Cap. 60, entitled "An Act for amending the

Laws respecting conveyances and transfer of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last mentioned Statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or their Decrees, shall be applicable to Her Majesty's Supreme Courts of the respective Presidencies. And the indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the East India Company, and all Corporate Societies established within the Territories of the East India Company and their Officers and Servants.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by Infants under order of Courts; it is hereby enacted, that Sections 10 and 11 of the XI. Geo. IV. and I. William IV. Ch 47, entitled "An Act for consolidating and amending the Laws for facilitating the payment of debts out of real Estate," shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at Law or in Equity commenced before the first day of January next.

CONTEMPTS IN EQUITY.

ACT No. XXV. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *If any person having been directed by decree or order to execute a deed, &c. has refused and been committed for contempt, &c. the Court may, two months afterwards, on motion, &c. appoint the Master, &c. to execute such deed, &c.*

2 *If any person shall be committed, for a contempt in not delivering books, &c. as ordered, the Sheriff under writ of sequestration may seize the same, &c. and after seizure may order discharge of prisoner, &c.*

3. *The discharge of prisoner under Insolvent Debtor's Act shall extend to process in Equity for contempt in non-payment of money, and to costs and charges.*

4. *In all cases of imprisonment for contempt issued out of Supreme Court, such Court may discharge the prisoner except as to costs, and as to such costs, the discharge under the Insolvent Debtor's Act shall extend.*

An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.

I. Repealed by Act V. 1855 s. 7.

II. Repealed by Act V. 1855. s. 7.

III. And it is hereby enacted, that the discharge of any prisoner adjudicatd upon under the authority of an Act passed in the 9. G. IV. C. 73, intituled "An Act to provide for the Relief of insolvent Debtors in the East Indies until the 1st day of March 1833," last continued by an Act passed in the 3. and 4. Vic. C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges *of* (*a*) expenses in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same, and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands, for any such costs, money. or expenses, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last mentioned Acts, subject, nevertheless. to such ascertaining of the said demands as may be had by taxation, or otherwise, and to such examination thereof as is in the said last mentioned Acts provided in respect of all claim to a dividend of such Insolvent's Estate and Effects.

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*(a) So in Government Copy ; read "or."

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall, at any time hereafter be in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued,) have the power, if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act —and they, he, or she shall be discharged therefrom, and from the process of contempts in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. Provided that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the Relief of Insolvent Debtors.

LAW AMENDMENT.

ACT No. XXVI. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *An action of Trespass or on the Case may be brought by Executors, &c. if brought within six months after death of the deceased for injury committed in his life time to real Estate, and against Executors within the same time for injury done by deceased to real or personal property of deceased.*

2. *Abolishes wager of Law.*

3. *Gives action of debt against Executor or Administrator.*

4. *Defendant in all personal actions, (except Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest and for Criminal Conversation, and Debauching Plaintiff's Daughter or Servant,) may by leave pay into Court a sum by way of compensation.*

5 *After issue joined, the parties by consent and order of a Judge, may agree that judgment shall be entered, subject to a case for the opinion of the Court.*

6. *The name of witness objected to as incompetent from interest may be indorsed on record, and such indorsement shall be sufficient evidence that he was examined, &c.*

7. *The Court on trial of issue may give damages in the nature of interest over and above the value of the goods in actions of Trover or Trespass, &c.*

8 and 9. In cases governed by English Law, Executors of Lessor may distrain in like manner as Lessor, and six months after determination of term if the same tenant continue in possession.

An Act for extending in cases governed by English Law certain provisions of the Statute 3rd and 4th William IV. Chap. 42., entitled "An Act for the further amendment of the Law and the better advancement of Justice."

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the Real Estate of any person deceased, committed in his life time, nor for certain wrongs done by a person deceased in his life time to another in respect of his property, real or personal; for remedy thereof it is hereby enacted, that an action of Trespass or Trespass on the case, as the case may be, may be maintained by the Executors or Administrators of any person deceased for any injury to the real Estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six calender months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered, shall be part of the personal Estate of such person; and further that an action of Trespass or Trespass on the case, as the case may be, may be maintained against the Executors or Administrators of any person deceased for any wrong committed by him in his life time to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such person; and the damages to be recovered in such action shall be payable in like order of Administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of Law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any Executor or Administrator.

IV. And it is hereby enacted, that it shall be lawful for the Defendant in all personal actions (except actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or

Prosecution, Criminal Conversations or Debauching of the Plaintiff's Daughter or Servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of Compensation or Amends, in such manner and under such regulations as to the payment of costs and the form of pleading as the said Judges or such Courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the Judges of the said Courts, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by confession or of nolle prosequi, immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly.

VI. ~~Repealed in effect by Act II, 1853.~~

VII. And it is hereby enacted, that every such Court as aforesaid on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of Trover or Trespass de bonis asportatis, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his life time, in like manner as such Lessor or Landlord might have done in his life time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such Term or Lease at Will, in the same manner as if such Term or Lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such Term or Lease, and during the continuance of the possession of the Tenant from whom such arrears become due: provided also, that all and every the powers and provisions of law relating to

distresses for rent shall be applicable to the distresses so made as aforesaid.

UNCLAIMED DIVIDENDS ON INSOLVENT ESTATES.

ACT No. XXVII. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *Unclaimed Dividends on Insolvent Estates may after six years be ordered to be repaid to Assignees and by them distributed among Creditors.*
2. *Unclaimed Dividends, before they are distributed under this Act, shall be advertized in manner specified, &c.*
3. *Six months' wages may be paid to Servants before a Dividend is declared.*
4. *Act when to take effect.*

An Act for appropriating the unclaimed Dividends on Insolvent Estates.

I. Whereas, pursuant to the Orders of the Courts for the Relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed Dividends on Insolvent Estates have, from time to time, been paid over by the Assignees of such Insolvent Estates into the hands of the Accountant-General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant-General of the said Insolvent Courts, to the credit of the persons named in the Schedules as Creditors of such Insolvents respectively;—and whereas it is expedient that in the event of no claim being established to such unclaimed Dividends or any part thereof, within a reasonable time, such Dividends should be distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively;—

It is therefore enacted, that it shall be lawful for the said Courts of Insolvent Debtors respectively in the event of no claim being established to such Dividends or any part thereof, within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively,

and to order such claims to be expunged from such Schedules. Provided that this Act shall not affect the right of any party to be paid such Dividends out of any future Assets, which may come to the hands of the Assignees, together with any future Dividends wich may be declared on such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby eancted, that no such unclaimed Dividend shall at any time be distributed under this Act unless a Statement of such unclaimed Dividends be previously published in manner following: One year at least before making any such division as aforesaid a statement shall be published three times in the English language, and also in one or more Native languages in the Official Gazettes of the respective Presidencies, which statement shall contain the names and descriptions as contained in the Schedules of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always that this Act shall not authorize the distribution of any such Dividend except where no person shall at any time have substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any Insolvent is indebted to any Domestic Servants for Wages, it shall be lawful for such Courts at or before the time of declaring a Dividend to order the amount due for such Wages, but not exceeding in the whole the amount of six months' Wages to be paid to such Servants out of the Estate of such Insolvents.

IV. And be it enacted, that this Act shall not take effect until the first day of January, 1843.

Repealed by XXIX of 61.

COURTS MARTIAL.

ACT No. XXVIII. OF 1841.

[*Passed on the* 15*th November*, 1841.

Offender not being a Commissioned Officer, to be amenable to articles of War for native forces, as Soldiers are under Act XXIII 1839.

Extended by Act No. XII. of 1842 to all persons serving with any part of the Army and receiving public pay in any capacity, menial servants, and other Camp Followers of every description.

An Act for extending Act No. XXIII. of 1839, to Camp Followers.

It is hereby enacted, that in cases in which an offender, being a Soldier, is punishable under Act No. XXIII. of 1839, any offender amenable to any Articles of War for the East India Company's Native Forces, not being a Commissioned Officer, shall be punishable according to that Act. as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

BENGAL AND MADRAS.--DISMISSAL OF SUITS AND APPEALS.

Repealed by X of 61

ACT No. XXIX. OF 1841.

[*Passed on the* 13*th December*, 1841.

1. *Plaintiff or appellant neglecting to proceed for six weeks, suit or appeal to be dismissed, without previous notice, unless further time has been previously obtained on special ground. The Court shall record its reasons for giving further time, but not for refusing it.*

2. *Defendant or respondent to have costs if suit of appeal is dismissed.*

3. *Repeals Clause* 2, *Section* 27, *Regulation* 23, 1814, *of the Bengal Code; and Clause* 2, *Section* 26, *Regulation* 6, 1816, *of the Madras Code. Enacts,--No appeal against dismissal of a suit or appeal, other than a summary appeal on the fact of default shall be allowed.*

Repealed as respects the Regulation Provinces by the New Code of Civil Procedure, Act VIII. 1859 and as respects non-regulation Provinces to which it is extended.

An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same.

I. It is hereby enacted that if a Plaintiff or Appellant in any

Court shall, at any time, neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his Suit or Appeal. The Suit or Appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court, or of the defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant, or his representative, in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a Suit or Appeal is dismissed under the preceding Section the Court shall award to the Defendant or Respondent the costs he may have incurred in the Suit or Appeal. But such dismissal shall be no impediment to the institution of a new Suit or Appeal, where the party is not precluded by lapse of time, or period of Appeal, or otherwise than by the mere circumstances of having instituted the Suit or Appeal dismissed and of such dismissal, and such dismissed Suit or Appeal shall not prevent lapse of time under the Law of Limitations being incurred.

III. And it is hereby enacted, that Clause 2, Section 27, Regulation XXIII. of 1814, of the Bengal Code, and Clause 2, Section 26, Regulation VI. of 1816, of the Madras Code, are repealed, and no Appeal shall lie against the decision passed in accordance with the provisions of the preceding Clauses of this Act, other than a summary appeal on the fact of default.

OBSTRUCTIONS TO JUSTICE.

ACT No. XXX. OF 1841.

[*Passed on the 20th December*, 1841.

1. *All persons using menacing gestures, &c. or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, &c. or any superior or inferior Court, Civil or Criminal, may be fined not exceeding* 200 *Ru-*

pees, or if not paid imprisoned for one month. Party aggrieved may appeal within one month. Party, if not proceeded against under this Act, may be indicted in Her Majesty's Supreme Courts.

2. *The Sudder Board of Revenue, Local Commissioners, &c. Collectors, &c. may punish any of the aforesaid offences by fine, or imprisonment in the Civil Jail. Party aggrieved may appeal to the Supreme Revenue authorities.*

3. *Repeals Section 42, the further proviso in Section 74, Regulation 23, 1814; Clauses 2 and 3, Sections 5 and 6, Regulation 12, 1825.*

An Act for repressing Obstructions to Justice in certain Courts of the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to Justice committed in the Courts of the East India Company;—It is hereby enacted that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, or other Officer under a Magistrate empowered to try Criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the Authority whose proceedings are obstructed to any amount not exceeding 200 Rupees, or in case such fine be not paid to be imprisoned for any period not exceeding one month. Provided that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by Law to hear appeals in all other cases from the decisions of the Officer by whom the fine was imposed; and provided also that notwithstanding any thing in this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and in case such fine be not paid by imprisonment in the Civil Jail for a period not exceeding one month. Provided that the orders passed in such cases shall be

subject on appeal to the revision and control of the superior Revenue Authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the Magistrate, on application being made to that Officer, in the usual mode.

III. And it is hereby enacted, that Section 42, the further proviso contained in Section 74, Regulation XXIII. 1814; Clauses second and third, Section 5, and Section 6, Regulation XII. of 1825 of the Bengal Code, are repealed.

BENGAL.--CRIMINAL APPEALS.

ACT No. XXXI. OF 1841.

[*Passed on the 20th December*, 1841.

1. *Repeals those parts of the Bengal Code which concern the powers, &c. of Criminal Courts in respect to appeals, &c.*

2. *From every sentence, &c. in Criminal trials within Sections* 8 *and* 9 *Regulation* 9, 1793 ; *Section* 4, *Regulation* 16, 1695, *and Sections* 8 *and* 9, *Regulation* 6, 1803, *or in judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, a Sudder Ameen, &c. or by any Officer inferior to a Magistrate, there shall be one appeal to the Magistrate, &c. within one month, &c.*

3. *and* 4. *Nizamut Adawlut may call for the records of any Criminal trials of any subordinate Court, and pass upon them such orders as may seem fit: but* (*Section* 4,) *may not enhance any punishment or punish person acquitted.*

5. *Sessions Judge, Magistrate Joint Magistrate, &c. may call for &c the records of any Court subordinate to them, to examine as to regularity of their proceedings; but not to alter except upon appeal any sentence or order, &c.*

6. *Sessions Judge may refer to the Nizamut Adawlut any trial in which he thinks the sentence he is empowered to pass, inadequate.*

7. *This Act not to affect the provisions of Act* 24, 1837, *as to Superintendent of Police.*

An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revisions of Sentences and Orders of Criminal Courts require to be amended:

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect

to appeals and revision of Sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections 8 and 9, Regulation IX. 1793, Section 4, Regulation XVI. 1795, and Sections 8 and 9, Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, or by a Sudder Ameen, or by a Law Officer, or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections 8 and 9, Regulation IX. 1793, Section 4, Regulation XVI. 1795, and Sections 8 and 9, Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, Joint Magistrate, Assistant to a Magistrate vested with special powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trial by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in Appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regu-

larity of the proceedings of such Subordinate Courts: But it shall not be lawful for any Court under the decree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, inadequate to the guilt of the prisoner, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

CALCUTTA.

ACT No. I. OF 1842.

[*Passed on the* 10*th January*, 1842.

Laws, &c. prohibiting the sale of Liquors without license, to be applicable to the sale of Opium and other intoxicating Drugs in Calcutta.

An Act for better regulating the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

Repealed by Act XI. 1849.

GOVERNOR GENERAL.

ACT No. II. OF 1842.

[*Passed on the* 28*th March*, 1842.

1. *The Governor General during his absence from Calcutta may exercise alone all powers except that of making laws, &c.*

2. *Act to commence from time notified in the Official Gazette.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted

that during the absence of the Governor General from Calcutta, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

CALCUTTA AND RIVER HOOGHLY.

ACT No. III. OF 1842.

[*Passed on the 22nd July*, 1842.

Extends Act XXI. of 1839, *to specified cases of petty thefts, where the value does not exceed* 20 *rupees, though they are not cases of simple larceny.*

An Act for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of Simple Larceny.

Repealed by Act XIII. 1856.

MADRAS ROADS.—BOAT-REGULATIONS.

ACT No. IV. OF 1842.

[*Passed on the 22nd July*, 1842.

1. *No person, either as owner or servant, shall use, &c any Boat or Catamaran to carry passengers, &c, to or from Madras Roads and Shore, unless licensed. Boats and Catamarans also to be licensed. Persons breaking this law to be fined not exceeding* 50 *Rupees.*

2. *The Master Attendant if satisfied that the Boat is proper for the purpose, shall upon application by the Owner grant a license, containing specified particulars to be registered, and upon a change of Ownership the new Owner shall give notice, &c. to Master Attendant, and be entitled on specified terms to a new license. Fine of* 50 *Rupees for breach of above provisions. Fee of one Rupee to be paid for license.*

3. *Master Attendant before he grants license shall cause Boat to be surveyed and measured; and defects of admeasurement seaworthiness and quality of the Boat to be rectified. Fine of* 3 *Rupees to be paid to Master Attendant.*

4. *The Registered number of Boat to be painted in black figures, &c. on white ground on side of the bow and on the opposite quarter. Boat shall be forfeited if any number not duly registered is painted or counterfeited, and offender to forfeit* 100 *Rupees.*

5 *Master Attendant to cause the number of the Registry to be cut or branded in the most common native characters on Boat. Owner neglecting to keep any figure cut or branded, &c. or wilfully concealing, &c the same, shall forfeit not exceeding* 100 *Rupees, &c.*

6. *Every licensed Boat of the description now in use, &c. shall be manned with not less than* 2 *steersmen,* 8 *rowers and* 1 *Baler, and shall if required carry any number of passengers not exceeding* 15, *or specified quantity of goods, &c. Other licensed Boats shall be manned, &c. as Master Attendant in license shall direct, &c.*

7. *If Boat is loaded with more Passengers or cargo than allowed by license, the Tindal may be fined not exceeding* 5 *Rupees, for every surplus passenger, &c. and the Owner* 50 *Rupees and other persons* 10 *Rupees, &c.*

8. *No licensed Boat or Catamaran shall leave the shore before gun-fire in the morning, nor after* 5 *o'clock in the afternoon, nor remain alongside after* 6 *o'clock in the afternoon without leave of Master Attendant, who may prevent any Boat putting off at any time by hoisting flags, &c.*

9. *On the* 15*th December every year the Owners of licensed Boats and Catamarans shall expose them and their crews on the beach for the inspection of the Marine Board, &c. and the Master Attendant may require their exposure monthly or oftener, &c. Owner refusing to do so, or in case Master Attendant deems Boat, &c when exposed, unseaworthy, &c. the license shall be suspended, &c.*

10. *Regulates between what limits Grain and other Goods excepting Timber, shall be landed. Person attempting to land Goods elsewhere, to be liable to fine not exceeding* 100 *Rupees, &c.*

11. *Regulates between what limits all Vessels other than native Vessels or Donies shall Anchor, &c. Owner of licensed Boats, &c. communicating with Vessels anchored elsewhere, to be liable to pay not exceeding* 10 *Rupees.*

12. *Owners of Boats, &c kept to let out for hire, shall when Boats are not engaged, give daily attendance at the Boat Office from* 5 *A. M. till* 6 *P. M., or in default owner to be fined not exceeding* 10 *Rupees.*

13. *Owner of Boat &c. demanding higher rate for hire than is sanctioned by Schedule B, shall forfeit* 10 *Rupees and amount of hire.*

14 *Owner, &c of licensed Boat, &c. kept to let for hire, refusing to let on hire such Boat, &c. without reasonable cause, shall be liable to penalty of* 20 *Rupees, and for second refusal* 100 *Rupees and to forfeit license.*

15. *Boatmen serving in any such Boat, &c. wilfully neglecting duty and thereby causing impediment to the service of Boat, &c shall for first offence be liable to receive* 3 *dozen lashes, and if life shall have become endangered, and for second offence, imprisonment with hard labor for not exceeding* 6 *months.*

16. *Owners of Boats, &c to keep and provide for service during the night ten Boats, &c. according to a course of rotation to be specified by the Master Attendant, &c. Owners making default without reasonable excuse to be liable to penalty (if owner of Boat) of* 20 *Rupees for first and* 50 *for second offence, and if the owner of Catamaran to* 5 *and* 10 *Rupees respectively.*

17. *Boats kept to be let out, shall be kept dunnaged and seaworthy, or in default, owner shall be liable to pay* 5 *rupees, &c.*

18. *The owner of Boat, &c. holding communication with any ship or vessel in the offing. &c. before the Master Attendant's Report Boat, &c. has boarded such Ship, &c. shall forfeit* 20 *Rupees, &c. or for attempting to hold such communication* 10 *Rupees.*

19. *The Master Attendant, &c. may go on board any Boat, &c. and search for prohibited, &c. goods, and examine Packages, &c. and may search persons, &c.; but females to be searched only by females. Persons resisting, &c. the performance of these acts to be liable to fine not exceeding* 100 *Rupees, &c. or to imprisonment &c. not exceeding* 6 *months; and license to be forfeited if offence is by Boat-owner, &c.*

20. *Repeals Sections* 3, 4, 7, 8, 9, *and* 10, *of Police Regulations.*

21. *The jurisdiction, &c. given by the aforesaid Regulation may be exercised by any Justices of the Peace, &c.*

22. *Every person using, &c. Boat, &c. in the Madras Roads, shall be amenable to Sections* 11, 12, *and* 13, *of the said Regulation.*

23. *Extends Section* 36, *of such Regulation to fixing up, &c. of notice under this Act, &c.*

24. *All pecuniary forfeitures, &c. under this Act shall be determined by Justice of the Peace of the Town of Madras. Penalties to be recovered by Warrant against goods, &c. which if not sufficient, offender may be committed to prison, &c.*

An Act for the better management of Boats and Catamarans in the Madras Roads and for the amendment of certain Harbour Regulations.

Whereas it is expedient to make Regulations for Boats and Catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property, and whereas certain Rules now in force for the Harbour of Madras require amendment.—

I. It is hereby enacted, that from and after the 1st day of September next, no person either as Owner or Servant, shall use or employ, or be employed in, any Boat or Catamaran to carry Passengers, Goods or Letters, to or from any Ship or Vessel lying in the Madras Roads and Shore, unless such Owners or Owner of Boats and Catamarans shall have previously received a License, and unless the Boat or Catamaran which such Owners or Owner, Servants or Servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such license shall employ or be employed in a Boat or Catamaran for the purposes aforesaid, or such Boat or Catamaran shall not have been so registered, such person shall be liable to a fine not exceeding the sum of 50 Rupees on conviction before a Justice of the Peace, as

that Justice shall direct, and the Boat or Catamaran shall be liable to be seized by the orders of any Justice of the Peace and forfeited.

II. And it is hereby enacted, that upon the Master Attendant being satisfied that any such Boat is of the proper dimensions and capacity, and that the same is seaworthy, and of a proper quality for the purposes aforesaid, and upon the application of the Owner of any such Boat or of any Catamaran, and upon such Owner delivering to him a written paper signed by such Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as shall be employed by such Owner in and about the navigation and management of such Boat as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act and those contained in the Subsidiary Rules to the same Act, it shall and may be lawful, and the said Master Attendant is hereby required to grant to such Owner a License so to use the same, in which License (if of a Boat) shall be expressed the dimensions, the number of Passengers or the quantity of Goods which such Boat shall be permitted to take and carry, and every such License shall also contain a number for such Boat or Catamaran: and the name or names, occupation or occupations, and place or places of residence of the Owner or Owners thereof, and the number of the Servants or Crew who shall be used or employed to row or navigate the same and their names and places of residence respectively, all of which particulars shall be entered in a Book of Registry for that purpose to be kept by the Master Attendant, and so often as the property in any such Boat or Catamaran, or any share of the same shall be transferred, every Owner of such Boat or Catamaran shall produce his License before the said Master Attendant, and such new Owner shall also deliver to him a written paper signed by such new Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as he shall employ, or propose to employ in and about the navigation and management of such Boat as particularly as may be, and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to this Act, all which said particulars shall be duly entered by the said Master Attendant in a new Registry to

be made by him of such Boat or Catamaran, and thereupon a new License to use such Boat or Catamaran expressing and containing the same particulars as are hereinbefore provided to be expressed in the original License, shall be granted by the said Master Attendant, and whenever any such Owner or Owners, or any of the Boatmen or other persons employed to manage or navigate any such Boat or Catamaran shall change his or their place of abode, notice of such change of abode shall be delivered to the said Master Attendant by the said Owner, in or that such new place of abode may be entered in the Registry and License. In wilful neglect or default of which notice of change of Ownership or of the persons employed to row or navigate any such Boat, or of his or their or any or either of their change of residence for the space of six days after any such change of residence, the Owner shall forfeit a sum not exceeding 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and for every such new Registration to be made by the said Master Attendant as aforesaid he shall be entitled to charge by way of fee the sum of one Rupee, and for every new License thereof the sum of one Rupee.

III. And it is hereby enacted, that in order to enable the said Master Attendant to grant a correct License of the Registry of every such Boat previous to the Registry of any Boat requiring such License, the Master Attendant or his Deputy shall in the presence of the Owner of every such Boat or any other person duly appointed by such owner, cause each Boat to be surveyed and measured, and in case the same shall not, in the judgment of the said Master Attendant or his deputy, be of the proper dimensions and capacity and seaworthy and of the proper quality for the purposes aforsaid, no Registry shall be made nor License be granted, until every such defect in the admeasurement, seaworthiness and quality of the said Boat shall have been rectified by the Owner thereof, and for every such survey and admeasurement a fee of three Rupees shall be paid by the Owner of any such Boat to the said Master Attendant.

IV. And it is hereby enacted, that the said Owner or Owners of every such Boat shall forthwith paint in black English figures, not less than six inches in length, upon a white ground, such white ground having a margin of at least three inches beyond the outermost part of the figures, on a conspicuous part of the bow on one

side and of the quarter on the other, and in a legible and distinct manner from left to right, the number in such Registry and License mentioned, and if any person shall fraudulently paint or counterfeit or cause or permit to be painted or counterfeited upon any Boat, any figure not having been duly registered, every such person shall forfeit the sum of 100 Rupees, and every such Boat shall also be forfeited.

V. And, for the better prevention of fraud or omission in the painting the figures hereinbefore provided to be painted, on all Boats, let out for hire as well as for the better distinguishing and identifying such Boats and Catamarans as have been registered and licensed, it is hereby enacted, that so often as any Registry is made, the said Master Attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such Boat and Catamaran, and if the Owner or Owners of any such Boat shall neglect or refuse to keep painted, cut or branded any figure hereinbefore required to be painted, cut or branded, on any such Boat or Catamaran, in a fair and legible condition, or if he shall paint, cut or brand the same in a different manner or on a different part of such Boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the Owner of any such Boat or Catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 Rupees on conviction before a Justice of the Peace as that Justice shall direct, and if any person not being such Owner shall be guilty of or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this Article imposed.

VI. And it is hereby enacted, that every Boat of the description and dimensions now in use (that is to say) not more than thirty-three feet in length, nine feet in breadth, and four feet four inches in depth, nor less than thirty feet in length, six feet in breadth and three feet six inches in depth, which shall be so licensed and registered as aforesaid, shall be manned with not less than two Steersmen, eight Rowers and one Baler, and shall, if required, be obliged to carry at one time any number of Passengers not exceeding fifteen, or any quantities of Goods not exceeding the quantity mentioned in the Schedule A. hereunder written; and in case Boats of different construction and dimensions shall be licensed and re-

gistered they shall be manned in such manner and shall be obliged to carry such Passengers or such a quantity of Goods as the Master Attendant shall direct, and shall express in the License under the penalty of 50 Rupees.

VII. And it is hereby enacted, that if any Boat be loaded with Passengers or Cargo beyond the number or quantity specified in the License granted to such Boat, the Tindal of such Boat shall be liable to a fine not exceeding 5 Rupees on conviction before a Justice of the Peace for every such surplus Passenger and for every Candy weight of such Cargo beyond such specified quantity, and the Owner of such Boat shall be liable to a fine of 50 Rupees on conviction before a Justice of the Peace, for every such surplus Passenger or surplus Candy weight of Cargo. And every person other than the Tindal or Owner who shall be guilty either as principal or accessary of the like offence of overloading any Boat shall be liable to a fine of 10 Rupees on conviction before a Justice of the Peace for every such surplus Passenger or surplus Candy weight of Cargo.

VIII. And it is hereby enacted, that no Boat or Catamaran so licensed shall leave the shore before gunfire in the morning nor after 5 o' clock in the afternoon, nor shall remain alongside any Ship or Vessel after 6 o' clock in the afternoon without leave from the Master Attendant or his Deputy, who shall be at liberty to prevent any Boat or Catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger, on which occasions the Master Attendant shall hoist at the mast head of his Flag-staff the following Flags, viz.: The white pendant with a red ball under a red and white chequered Flag; and in case any person offend against this Clause he shall be liable on conviction before a Justice of the Peace to forfeit and pay a sum not greater than 30 Rupees.

IX. And it is hereby enacted, that on the 15th day of December in every year the Owners of Boats and Catamarans which shall have been so licensed and registered as aforesaid shall expose them and their Crews on the Beach for the inspection of the Marine Board, and the Master Attendant shall once in every month or oftener, and as often as he may think necessary, require the Owner of the said Boats and Catamarans, or any one or more of them to expose them and their Crews on the Beach for his inspection; and

in case any Owner shall neglect or refuse so to expose a Boat or Catamaran belonging to him, and in case, on any Boat or Catamaran being so exposed the Master Attendant shall deem it unseaworthy, or that its Crew is in an inefficient state, he shall suspend the License granted in respect thereof until the said Boat or Catamaran shall have been repaired and the Crew rendered efficient to the satisfaction of the Master Attendant—and it is hereby declared, that in case the Owner of any such Boat or Catamaran shall refuse or neglect to make such necessary repairs to the same and to render efficient the Crew thereof, within one month after such inspection, the License shall altogether be withdrawn from such Boat.

X. And it is hereby enacted, that Grain shall be landed within the space between the north angle of the Custom House and Clive's Battery, and all other Goods, excepting Timber, shall be landed within the space between the north angle of the Custom House and the south angle of Bentinck's Buildings, and the Timber may be landed any where if the permission of the Collector of Sea Customs be first obtained, and if such permission shall not have been obtained it shall be landed within the space between the north angle of the Custom House and Clive's Battery, and in case any person shall land or be engaged in attempting to land any Goods otherwise than as before directed, every such person shall be liable to pay on conviction before a Justice of the Peace a sum not greater than 100 Rupees as that Justice of the Peace shall determine.

XI. And it is hereby enacted, that all Vessels other than those commonly known as native Vessels or Donies shall anchor in the South Roads, the north angle of the Fort being one point, and the Master Attendant's Flag-staff the other, and all Vessels commonly known as native Vessels or Donies shall anchor in the North Roads, the north angle of the Custom House being the southern, and the Village of Royapooram the northern point, and the Owner of any Licensed Boat or Catamaran, on holding (except at the request of the Master Attendant) communication with a Vessel which shall be anchored otherwise than as aforesaid, shall on conviction thereof before a Justice of the Peace, be liable to pay a sum not greater than 10 Rupees as such Justice of the Peace shall direct.

XII. And it is hereby enacted, that the Owner or Owners of all Boats and Catamarans kept for the purpose of being commonly let out for hire shall, when the same shall not be engaged in doing

actual service for hire, by themselves or their Agents give daily attendance at the Boat Office from 5 A. M. until 6 P M. so as to be ready to provide upon immediate notice their Boats or Catamarans for service or hire, and that for any neglect in so giving attendance (unless occasioned by sufficient excuse) such Owners shall be punishable by a Justice of the Peace on conviction by a fine not exceeding 10 Rupees.

XIII. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licensed, or any person deputed by him shall demand a rate of hire beyond that which is sanctioned by Schedule B. under the several circumstances and restrictions therein provided for, he shall, on conviction before a Justice of the Peace, forfeit the sum of 10 Rupees, together with the amount of such hire.

XIV. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licensed, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him, refusing to let on hire such Boat or Catamaran, for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence, will, on conviction before a Justice of the Peace, be liable to the penalty of 20 Rupees, and for a second refusal to a fine of 100 Rupees and to the forfeit of his license.

XV. And it is hereby enacted, that if any Boatman or Boatmen serving in any Boat or Catamaran kept and employed for the purpose of being let out commonly on hire to carry Passengers, Cargo, or Letters, shall by wilful neglect or desertion of his duty, cause any impediment to the service of any such Boat or Catamaran, he or they shall for the first Offence be liable to receive corporal punishment not exceeding three dozen lashes on conviction before a Justice of the Peace, and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months.

XVI. And it is hereby enacted, that the Owners of Boats and Catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the Afternoon until six o'clock in the Morning at least, ten Boats and four Cata-

marans with their respective Crews, according to a course of rotation to be specified by the Master Attendant on the 1st day of every current month, and to be notified in writing on some conspicuous part of his Office as regards the particular nights for the attendance of particular Boats and Catamarans, and every Owner of any such Boat or Catamaran who shall fail to provide his Boat or Catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence shall, if the Owner of a Boat, on conviction before a Justice of the Peace, be liable to a penalty of 20 Rupees, and for a second offence to the penalty of 50 Rupees, and if the Owner of a Catamaran be liable to the penalty of 5 Rupees and for a second offence to the penalty of 10 Rupees.

XVII. And it is hereby enacted, that every Boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and seaworthy, and in default thereof, the Owner or Owners of every such Boat or Boats shall, upon conviction before a Justice of the Peace, forfeit for each instance of neglect the sum of 5 Rupees, and if any Goods or Cargo shall have received injury or damage thereby the sum of 20 Rupees besides and over and above any legal liability to compensate such loss, and if life shall have been endangered thereby, a sum not exceeding 100 Rupees, and also be liable at the discretion of such Justice to have his license for such Boat revoked.

XVIII. And it is hereby enacted, that if any communication by Boat ar Catamaran is held with any Ship or Vessel in the offing, or beyond the limits of the Anchorage before the Master Attendant's Report Boat or Catamaran has boarded such Ship or Vessel, the Owner of such Boat or Catamaran shall forfeit the sum of 20 Rupees, and if any attempt is made to hold such a communication without the permission of the Master Attendant, he will incur a penalty of 10 Rupees.

XIX. And it is hereby enacted, that it shall be lawful for the Master Attendant or his Deputy, the Collector of Sea Customs or his Deputy, and all sitting Magistrates and qualified Justices of the Peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose from time

to time to go on board any Boat or Catamaran, and to search all parts of such Boat or Catamaran for prohibited or uncustomed or smuggled Goods, and also to examine into all Packages, Boxes or Baggage of whatever description, within or upon such Boat or Catamaran or landed therefrom, provided such Master Attendant or his Deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such Package, Box or Baggage contains any smuggled or prohibited Goods, and they shall likewise have power and authority to search any person or persons on board any such Boat or Catamaran, or who may have landed therefrom, provided such Master Attendant or his Deputy or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled or prohibited Goods secreted about his or her persons; provided always that no female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs; and it is hereby further enacted, that if any person shall resist to impede any or either of the said parties hereinbefore authorized to go on board, examine and search as hereinbefore provided in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable according to the circumstance of the case and the quality of the party offending, upon conviction before a Justice of the Peace, to fine not exceeding 100 Rupees, or to imprisonment with or without hard labour on the roads or otherwise for a period not exceeding six months, and in case any such offence be committed by any Owner of a Boat or Catamaran such Owner shall likewise forfeit his license.

XX. And it is hereby enacted, that the Sections III., IV., VII., VIII., IX. and X. of the Rule, Ordinance and Regulation passed by the Governor in Council of Fort St. George commonly called the Marine Police Regulation, be hereby cancelled and repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant for the time being of the Port of Madras jointly or severally as Justice of the Peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as

regards such parts of the said Regulations not hereinbefore repealed) by any Justices of the Peace in and for the Presidency of Madras in like manner jointly or severally.

XXII. And it is hereby further enacted, that every person whatever who, either as Owner or servant, shall use or employ, or be employed in any Boat or Catamaran in the Madras Roads shall be amenable to Sections XI., XII., and XIII. of the above recited Regulation.

XXIII. And it is hereby further enacted, that Section XXXVI. of the above recited Regulation shall hereafter apply to the fixing up at the Offices therein mentioned copies of the same, omitting all other notice of those Sections thereof which are by this Act repealed, save that the same are so repealed.

XXIV. And it is hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act, shall and may be heard and determined by any Justice of the Peace of the Town of Madras, who is hereby empowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said Justice, and upon his, her or their appearance or contempt and default to hear the parties, examine witnesses and to give judgment or sentence according as in and by this Act, is directed; and it is hereby further declared that it shall be lawful for any Justice who may have adjudged any pecuniary penalty under the provisions of this Act to award and issue out a warrant or warrants under his or their hands and seals for the paying of such forfeitures and penalties as may be imposed or adjudged upon the Goods and Chattels of the offender, and cause sale to be made of the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof, and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the Justice as last aforesaid, and he is hereby authorized and required by warrant or warrants under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for any time not exceeding six months unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said

forfeitures when paid and levied shall, after deducting all necessary charges and also a compensation not exceeding one-third to be settled and ascertained by the said Justice before whom the conviction may take place, and to be given to the officer or other person giving information and prosecuting, to be applied and disposed of according to the directions of the Honorable the Governor in Council.

SCHEDULE A.

SCHEDULE of Articles composing a Boat load.

1. GOODS taken by WEIGHT OR MEASUREMENT.

These Articles are computed at 2 tons to a Boat load.

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Benjamin	boxes	25	20	small
	bundles	60		
	chests	12	.....	half
Biscuits	bags	30		
Boat Oars	No.	100		
Boots and shoes	cases	8	6	small.
		6	4	large.
Butts	No.	3	2	
Broad Cloth	bales	8	6	large.
		10	8	middling.
		12	10	small.
Button	cases	6	4	
Beef	tierces	8		
	hogshead	6		
Carriage	No.	1		
Cotton screwed	bales	8	.....	of 300 lbs.
		10	.....	250 „
		12	.....	150 „
Ditto loose	bags	16		
Codjoor Nuts	bundles	10	8	
Cocoanuts	No.	1000	.....	with husk.
		1500	.....	without ditto.
	bags	25	.....	small.
		20	.....	large.
Chests	No.	4	3	12 dozen.
Ditto half	No.	8	6	6 ditto.
Canvas	bales	4	3	20 bolts each.
Clothing	bales	8	6	3 corges each.
		10	8	2 do. do.
		12	10	1 do. do.
Cheacoy	bundles	20	15	
Chillies	ditto	20	15	
Choya Root	ditto	6	.....	large.
		8	.....	small.
Cochineal	boxes	12	10	
Cinnamon	bags	35	30	
Camphire	boxes	12		
Cloves	bags	40		80 lb. weight each bag.

SCHEDULE A—*Continued.*

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf	REMARKS.
Curry Stuff Seeds	bags ...	25	20	Ramiapatam bags.
Dates	bags ..	35	25	When from Bombay.
Ditto	tons ..	2	1½	When the packages are various.
Drugs	bags .	12	10	
Eating Leaves	bundles .	40		
Flour	casks ...	8	6	
Grain { Ramiapatam	bags ..	20	.....	shipping.
		25	....	landing.
Grain { Bengal	bags ..	25	.....	shipping.
		30	25	landing.
Glass Ware	chests ..	6	.....	whole.
		12	.....	half.
Gunny	bundles	6	.....	large.
		12	.....	small.
Gun Powder	barrels...	25	.....	100 lbs. each.
		30	.....	60 do. do.
Gallingale	bundles .	25		
Gin.....	cases ...	30		
Gun Carriage	No. ...	1	....	complete with wheels, from 3 to 24 pounders.
Ginger Dry	bags ...	30		
Hay	bales ...	8	6	
Horns	No. ...	1000		
Hogsheads	No. ..	6	4	
Hams	No. ...	120		
Indigo	chests	8	.....	whole.
		12	.....	half.
Leaguers	No. ..	2		
Nankeen ..... , ...	boxes ..	20		
Nuts	bags ..	30		
Pickle, Europe	boxes .	30	20	
Palanquin, ...	No. ..	1		
Piece Goods	bales ...	6	.....	large 3 and small 4 } bales for China.
		8	.....	
Pumpkins...	No.	100	.....	large.
		250	.....	small.
Puncheons	No. .	4	3	
Pipes	No. ..	3	2	
Ditto half	No. ..	6	4	
Pork	tierces ..	8		
	casks ..	8	6	
Pepper	bags ..	35	25	
Rafts { Artees	No. ..	12	10	large.
		20	.....	small.
Rafts { Bindoo Plank	No. ..	25		
Rafts { Chittagong do.	No. ...	25	20	
Rafts { Duggies.....	No.	1	.. . .	large } shipping.
		2	.....	small
		8	.....	large } landing.
		12	.....	small
Rafts { Mango do...	No.	20	.....	landing.
		10	.....	shipping.
Rafts { Shimbeams ...	No.	20	....	landing.
		8	....	shipping.
Rafts { Spars	No.	1	... ...	large.
		4	.....	small.

SCHEDULE A.—*Continued.*

Articles.	Packages.	Fair weather.	Foulweather or high surf	Remarks.
Rattans	No.	250		100 in a bundle.
		500		50 in do.
Reapers	No.	60		10 in do.
Saddlery	cases.	8	6	
Shark's Fins	bundles	3		-
Sheathing Boards	No.	100		double.
		150		single.
Soap Nut	bags	30		
Spices of all sorts	bags	10		large.
		20		small.
Stationery	cases	6	4	
Staves	packs	20		
Stick Lac	bags	30		
	bundles	40		
Sugar	casks	4		
Ditto	lumps	50		large.
		70		small.
Ditto of Batavia	canisters	6		
Ditto of Bengal	bags	20		
Ditto ditto	chests	6		
Ditto China	small packages	40		
Sugar Candy	tubs	25		
Ditto ditto	½ do.	50		
Tents	setts	6		private two-poled tents.
Tamarind	bags	15		
Ditto Bengal	bags	20		
Thread	bundles	7	6	
Tobacco	bags	30		

II. DEAD WEIGHT.

Computed at 1½ ton per Boat load.

Anchor	No.	1		of 12 cwt. small anchors and grapnels in like proportion.
Arms	chest	12		12 muskets each.
Black Wood	candies	6		shipping.
		7		landing.
Copper, Sheet	chests	6	4	
	cases	4	3	
	slabs	100	80	large.
Guns, Iron or Brass	No.	3		3 pounders.
		2		4 or 6 ditto.
		1		9 ditto.
Japan	chests	10	8	
Metals of all kinds	tons	1½		
Nails	tons	1½		
Red Lead	tons	1½		
Red Wood	tons	1½		
Sandal Wood	tons	1½		
Salt	bags	25		
Saltpetre	bags	25		
Shells	No.	20		13 inches.
		100		10 or 8 do.
		250		5½ do.
		300		4½ do.

SCHEDULE A.—*Continued*,

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf	REMARS.
Shot	No. ..	150	.....	24 pounders.
		200	.....	18 do.
		300	.....	12 do.
		400	.....	9 do.
		500	.....	6 do.
Treasure	boxes ..	6	4	

III. MISCELLANEOUS ARTICLES.

Bullocks	No. ..	2		
Coals	tons ..	2	1½	
Cow and Calf ...	No. ..	1		
Fire Wood: Ramiapatam ..	500 ..	.....	.....	large.
	1000 ..	.....	.....	small.
Fire Wood: Candarungum ..	600			
Fire Wood: Checurucottah ..	2000			
Fire Wood: Alumbarary	2000			
Fire Wood: Kistnapatam ..	1000			
Fire Wood: Alepanum	150			
Fire Wood: Cuddalore	1500			
Fire Wood: Acheedandoo ...	2000			
Fire Wood: Rangoon	2000			
Ghee and Oil	dubbers ..	25		
Horse	No. ..	1		
Linseed Oil	jars .	20		
Loose Oakum	whatever quantity can be stowed conveniently.			
Pocul wgts. of all kinds	peculs ..	30	25	
Pigs	No. .	15		
Ponies	No. ..	2		
Poultry	baskets, any quantity that can be stowed conveniently.			
Sand ballast	tons .	2	1½	
Seed Cocoanut	No. :	200		
Sheep	No. .	30		
Tar	barrels ..	8	6	
Tarpaulin	No. ..	30		

The Number of Passengers composing a Boat load.

Europeans ..... 12 persons.

Natives ..... 15 „

N. B.—Two Children are to be considered equal to one grown up *person*.

SCHEDULE B.

Maximum Rate of Boat and Catamaran Hire.

Accommodation Boats.		Rs.	As.	P.
Ordinary Trip South or North Road, ...	per trip	3	8	0
Extra hire in and beyond 9 fathoms, ...	ditto	1	8	0
Foul Weather Trip, ...	ditto	6	0	0
Transhipment, ...	ditto	1	0	0

Common Boats.		South Road.			North Road.		
Ordinary Trip, ...	per trip	1	8	0	0	15	0
Ballast ditto, ...	ditto	1	10	0	1	0	0
Ballast in and beyond 9 fathoms, ...	ditto	2	10	0	2	0	0
Return Trip, ...	ditto	0	12	6	0	8	0
Return Trip in and beyond 9 fathoms,	ditto	1	8	0	0	15	0
Water Ordinary Trip, ...	ditto	3	8	0	3	0	0
Water in and beyond 9 fathoms, ...	ditto	4	3	0	3	2	6
Trip in and beyond 9 fathoms, ...	ditto	2	12	0	2	2	0
Transhipment, ...	ditto	0	15	0	0	15	0
Transhipment in & beyond 9 fathoms,	ditto	1	14	3	1	14	3
Foul, in and beyond 9 fathoms, ..	ditto	4	3	0	3	2	6

Small Catamaran.				
Ordinary Trip South or North Road, ...	per trip	0	5	0
Foul weather, or in or beyond 9 fathoms, ...	ditto	0	10	0
Catamaran for rafting Timber, ...	per day	1	0	0

Large Catamaran Hire.				
For Landing or Shipping an Europe Cable of 13 to 16 Inches,		18	12	0
For ditto of 17 to 22 Inches, ...		28	8	0
For Shipping Chain Cables, ...	per trip	18	12	0
For ditto an Anchor from 14 to 29 Cwt.		18	12	0
For ditto an Anchor from 3) to 50 Cwt.		28	12	0
For making a rope fast to an Anchor under 12 Cwt. ...		10	0	0
For ditto ditto above 12 and under 20 Cwt.		20	0	0
For ditto ditto above 20 Cwt.		35	0	0
		Rs.	A.	P.
Tarpaulin.				
Per Trip, ...		0	4	0
Water Casks.				
Per Trip (4 Casks.)		0	9	5

Extra Hire in addition to the Regulated Charges for Boats and Catamarans.	Accommodation Boat			Common Boat.			Catamaran.		
South Road trips between 6 and 8 P. M.,...	1	12	0	0	12	0	0	2	6
North Road trips ditto ditto, ...	1	12	0	0	7	6	0	2	6
South Road trips between 8 P. M. and 5 A. M., ...	3	8	0	1	8	0	0	5	0
North Road trips ditto ditto, ...	3	8	0	0	15	0	0	5	0
Boats or Catamarans detained alongside for every three hours during the day or night, ...	3	8	0	1	8	0	0	5	0
Boats or Catamarans employed between the Commissariat Granary and Parry and Co.'s Office, ...	0	14	0	0	6	0	0	1	3
Ditto between Parry and Co.'s and the Tunnel, ...	1	12	0	0	12	0	0	2	6
Ditto between the Tunnel and the Sea Gate, ...	2	5	4	1	0	0	0	3	4
Ditto between the Sea Gate and the Marine Villa, ...	4	10	8	2	0	0	0	6	8
Ditto between Marine Villa and Adyar,..	7	0	0	3	0	0	0	10	0
Ditto North of Royapooram, ...	1	12	0	0	9	6	0	2	6
Ditto Trivatoor and Ennore, ...	10	8	0	3	9	0	0	15	0
Beyond the limits of the Anchorage, ...	1	8	0	1	8	0	0	5	0
Boats employed on Sundays, ...	1	8	0	0	9	0	0	2	0

N. B. The ordinary period within which Boats and Catamarans shall be

BOMBAY AND COLABA.—LICENSES.

ACT No. V. OF 1842.

[*Passed on the 29th July*, 1842.

1. *The Governor in Council may fix the amount of tax to be paid for Liquor License.*

2. *License may be recalled or withheld if the tax is not duly paid. Penalties for vending Liquors without a License.*

An Act concerning payment on account of Licences for the sale of Spirits in the Islands of Bombay and Colaba.

I. It it is hereby enacted, that whenever a licence to retail Spirituous Liquors in the Island of Bombay and Colaba shall be granted under the Provisions of Act XVIII of 1840, the Officers granting such Licences shall be authorized to demand such Fee, Tax, or Duty in consideration of the privilege granted as may from time to time be fixed by such Officers under the sanction of the Governor of Bombay in Council. And such Fee, Tax, or Duty may be made payable in advance, or at such period as may be settled under such Authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the Officers granting such Licences to withhold or recal the same in case the Fee, Tax, or Duty aforesaid be not duly paid according to the conditions upon which any such Licence shall be granted. And any person vending Spirituous Liquors within the Islands aforesaid whilst such Licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Spirituous Liquors without a Licence.

BOMBAY.—TERRITORIAL ANNEXATION.

ACT No. VI. OF 1842.

[*Passed on the 5th August*, 1842.

Repeals Regulation 29, 1827, *and Regulaton* 7, 1830, *as to specified villages; and subjects other specified villages to the Acts, &c. in force in the Presidency of Bombay.*

An Act for annexing to the British Territory certain villages belonging to the late Nepanee Jagheer, and acquisitons by exchange

from the Sattara state, and for bringing under the Regulations an Inam Village of Purgunnah Yelloor.

Whereas the Villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara Territories to exchange certain villages for mutual convenience, and whereas the Village of Dashoor, in Purgunnah Yelloor, though held in Inam under the British Government, has not been brought under the Regulations.

It is hereby enacted, that from the time of passing this Act so much of Regulation XXIX. of 1827, and Regulation VII. of 1830, as relates to the undermentioned seven villages, viz.

Jaleehall, Purgunna Honwar.

Teengnee Beedree, Purgunna Ghota.

Hongunhullee, } Purgunna Moolwad.
Karjol,.. ..... }

Oopuldinee, Purgunna Mokumudapoor.

Allasundeh Prant Ragul.

Boblad, Purgunna Burdole

And so much of Act VIII. of 1839, as relates to the undermentioned four villages.

Kusba Ashta, Kuryat Ashta,..... } Prant Meeruj,
and Sumdolee, and Kuryat Sanglee, }

Moje Koondul,.. } Turuf Valwe Prant Punnala,
and Maje Ponudee }

shall be rescinded; and that the following villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Nineteen Villages of Purgunna Neergoondee.

1 Kusba Neergoondee	10 Moje Eettgee
2 Moje Hebbal	11 Ditto Rajnal
3 Ditto Keersal	12 Ditto Bidnal
4 Ditto Abbihal	13 Ditto Korganoor
5 Ditto Yelgoor	14 Ditto Aldinnee
6 Ditto Kasinkoontee	15 Ditto Gonal
7 Ditto Boodihal	16 Ditto Katapoor
8 Ditto Musootee	17 Ditto Dewlapoor
9 Ditto Mooddapoor	18 Ditto Murikuttee

19 Moje Neerulbhavee

Twelve Villages of Purgunna Chandkowte.

1 Kusba Chandkowte	2 Moje Chutterkee

3 Moje Roogee
4 Ditto Moolsawulgee
5 Ditto Aheree
6 Ditto Jumbgee
7 Ditto Daberee
8 Moje Roogee
9 Ditto Gugunhullee
10 Ditto Solapoor
11 Ditto Hunchinol
12 Ditto Kurulwar

Seven Villages of Purgunna Ooklee.

1 Moje Donoor
2 Moje Neginhal
3 Moje Moollal
4 Moje Kuguoor
5 Ditto Hurgullee
6 Ditto Hurginhal
7 Moje Honutgee

Seven Villages of Purgunna Nulroog.

1 Moje Kesurzuwulgee
2 Ditto Moostee
3 Ditto Sulgur
4 Moje Arlee
5 Ditto Kalegaon
6 Ditto Ebhrampoor
7 Moje Kakrumb

Five Isolated Villages.

1 Moje Pooluz, Purgunna Mohul
2 Ditto Hurulgee, Purgunna Kulboorga
3 Ditto Hottgee, Purgunna Ahirwaree
4 Moje Award, Purgunna Mundroop
5 Moje Moogulee, Purgunna Maindurgee.

Twenty-four Villages of Purgunna Hortee.

1 Kusba Hortee
2 Moje Koloorgee
3 Ditto Domnal
4 Ditto Kunchinal
5 Ditto Muknapoor
6 Ditto Boblad
7 Ditto Hudulsung
8 Ditto Nimbal Boodrook
9 Ditto Nimbal Khoord
10 Ditto Kunnal
11 Ditto Bomunhullee
12 Ditto Agusnal
13 Moje Busnal
14 Ditto Sawulsung
15 Ditto Hulgoonkee
16 Ditto Goondwan
17 Ditto Sonkunhullee
18 Ditto Koorgee
19 Ditto Morusnal
20 Ditto Deginal
21 Ditto Goonkee
22 Ditto Turgoondee
23 Ditto Kottnal
24 Ditto Kupnimburgee

Twenty-eight Villages of Purgunna Hulsungee.

1 Kusba Hulsungee
2 Moje Yelgee
3 Ditto Turiwaree
4 Ditto Arjnal
5 Ditto Bhairungee
6 Moje Boodihal
7 Ditto Keroor
8 Ditto Chunegaon
9 Ditto Anjotgee
10 Ditto Dhoolkhur

11 Moje Purnoor
12 Ditto Bewnoor
13 Ditto Chorgee
14 Ditto Munn Ankulgee
15 Ditto Mahnhullee
16 Ditto Murgoor
17 Ditto Chouryal
18 Ditto Hingne
19 Ditto Burgoondee
20 Moje Ahersung
21 Ditto Mailor
22 Ditto Seergoor
23 Ditto Anchee
24 Ditto Nundral
25 Ditto Seernal
26 Ditto Lonee Khoord
27 Ditto Bulolee
28 Ditto Jhulkee

Twenty-four Villages of Purgunna Bagewares

1 Moje Moottgee
2 Ditto Engleshwur
3 Ditto Salwargee
4 Ditto Heepurgee
5 Ditto Dindwar
6 Ditto Rubnal
7 Ditto Deginal
8 Ditto Tukulkee
9 Ditto Oottnal
10 Ditto Munoor
11 Ditto Hullihal
12 Ditto Kuribuntnal
13 Moje Hoonshal
14 Ditto Hoolbenchee
15 Ditto Hunchinal
16 Ditto Agusbal
17 Ditto Ewungee
18 Kamunkeree
19 Ditto Boodihal
20 Ditto Ooppuldinee
21 Ditto Nursungee
22 Ditto Nagoor
23 Ditto Ambulnoor
24 Ditto Sunknal

Thirteen Villages of Purgunna Annigeree.

1 Kusaba Annigeree
2 Moje Hullikeree
3 Ditto Saswihullee
4 Ditto Kondikopp
5 Ditto Bussapoor
6 Ditto Bhudrapoor
7 Moje Untoor
8 Ditto Saida Poor
9 Ditto Munjegood
10 Ditto Kawulwar
11 Ditto Hullihal
12 Ditto Bunnoor
13 moje Nagnoor

Fifteen Villages of Purgunna Uthnee.

1 Kusba Uthnee
2 Moje Azor or Yemmihal
3 Ditto Siroor
4 Ditto Nagnoor
5 Ditto Jumbgee
6 Ditto Sewnoor
7 Ditto Mullabad
8 Moje Bewnoor
9 Ditto Yekunchee
10 Ditto Burchee
11 Ditto Koulgood
12 Ditto Sinal
13 Ditto Musurgooppee
14 Ditto Hunmapoor
15 Moje Kirugeree

Sixteen Villages of Purgunna Honwar.

1 Kusba Honwar
2 Moje Kukmuree

3 Moje Bijjurgee
4 Ditto Kotulg
5 Ditto Kohullee
6 Ditto Yellihudulgee
7 Ditto Bargee
8 Ditto Aigullee
9 Ditto Uluginhal
10 Moje Babanuggur
11 Thana Telsung
12 Moje Urtal
13 Ditto Bunnoor
14 Ditto Kunnal
15 Ditto Hulhullee
16 Ditto Kunmura

Six Villages of Purgunna Gureekokutnoor

1 Kusba Gureekokutnoor
2 Moje Suttee
3 Ditto Dodwar
4 Moje Junwar
5 Ditto Bulwar
6 Ditto Korganoor

Fifteen Villages of Purgunna Gulgullee

1 Kusba Gulgullee
2 Moje Amuljhuree
3 Ditto Kaloor
4 Ditto Yerhullee
5 Ditto Rubkuvvee
6 Ditto Gunnee
7 Ditto Hunchinal Khoord
8 Moje Hunchinal Boodrook
9 Ditto Chowrapoor
10 Ditto Boodnee
11 Ditto Bulwalmottee
12 Ditto Boodihal
13 Ditto Goolbal
14 Ditto Bisnal
15 Moje Moondugnoor

The following Nine Isolated Villages

1 Moje Hipurgee, Purgunna Jumkhundee
2 Ditto Nipanee, } Kuryat Latt
3 Ditto Seergoopee, } Kuryat Latt
4 Ditto Belkhor, Kuryat Kubboor
5 Ditto Mudunbhavee, Kuryat Naysurgee
6 Seergaon, dependant on the fort of Heeree Gundhurvgurh
7 Bhiwsee, Prant Kagul
8 Moochundee, Purgunna Jutt
9 Deshoor, Purgunna Yelloor

BENGAL.-COSTS OF TRANSLATIONS.

ACT No. VII. OF 1842.

[*Passed on the* 19*th August*, 1842.

Repeals Section 5, *of Regulation* 19, 1797, *and Regulation* 4, *of* 1803.

An Act for repealing certain provisions of the Bengal Code regarding translations.

Whereas the rules regarding the rate of payment for trans-

lations of proceedings and other documents for the use of the Civil Courts, fixed by Section 5 Regulation XIX. 1797, and Section 33 Regulation IV. 1803, of the Bengal Code, require amendment.

It is hereby enacted, that Section 5 Regulation XIX. 1797, and Section 33 Regulation IV. 1803, be repealed.

MADRAS AND BOMBAY.

ACT No. VIII. OF 1842.

[*Passed on the 2nd September*, 1842.

Extends the powers vested in S. D. A. by Acts No. 19 *and* 20, 1841, *to the Courts of highest Jurisdiction in Presidencies of Madras and Bombay.*

An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

ENGLISH LEASE AND RELEASE LAW.

ACT No. IX. OF 1842.

[*Passed on the 2nd September*, 1842.

1. *Extends to Territories of the E. I. Co. statute* 4 *and* 5 *Vic.* 21 *for rendering a release as effectual as a lease and release.*
2. *Recital of a lease for a year shall be conclusive evidence of it.*
3. *Interprets the word "Freehold."*

An Act for extending the statute Ch. XXI. 4th and 5th of Queen Victoria in certain cases to the Territories of the East India Company.

I. It is hereby enacted, that the statute Ch. XXI. of the 4th

and 5th years of the reign of Queen Victoria, entitled "An Act for rendering a release as effectual for the conveyance of Freehold estates as a Lease and Release by the same parties," shall be extended to the territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to effect any case which would not have been governed by the law of England before the passing of the aforesaid statute, if this Act had not passed, and provided, that every deed or instrument of release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the Statute aforesaid.

An Act for rendering a Release as effectual for the conveyance of Freehold estates as Lease and Release by the same parties.

(18th May, 1841.)

"Whereas it is expedient to lessen the expense of conveying Freehold Estates." Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present parliament assembled, and by the authority of the same, that every deed or Instrument of Release of a Freehold estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15th day of May, 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive duty) if executed to give effect to such deed or instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. "And whereas many Deeds or Instruments of Bargain and Sale or Leases for a year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid;" Be it enacted, that where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15th day of May, 1841, any Deed or Instrument of Bargain and Sale, or Lease for a year for giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such Deed or Instrument of release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the 15th day of May, 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced: provided always, that this Act shall not prejudice or affect any proceeding at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale or Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale or Lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by the Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

MUNICIPAL.

ACT No. X. OF 1842.

[*Passed on the* 14*th October*, 1842.

1. *At the desire of two-thirds in number of the householders of any town the Local Government may grant the privilege created by this Act.*

2. *The Government may authorize such inhabitants to be a Committee for purposes specified.*

3. *The Committee may make assessments to the extent of five per cent. on yearly value, &c. make contracts, appoint servants, &c. Committee not to be personally liable in contracts, but to be liable for misapplication of monies, &c.*

4. *Local Government may prescribe rules for the proper security of the funds collected, may remove Members, and appoint to vacancies not filled up by remaining Members.*

5. *Committee on 30th April to render account to Local Government of receipts and expenditure.*

6. *Rate may be levied under Act II.* 1839, *on application of Committee.*

7. *Rate not to be invalidated by defect of form: rate sufficient if it identifies the property; needs not specify name of owner: any property on premises to be liable to seizure.*

8. *Local Government may at all times dissolve Committee, and appoint persons to inquire into conduct of Committee.*

An Act for enabling the inhabitants of any place of public resort or residence under the presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience.

Repealed by Act XXVI. 1850 s. 1.

FOREIGN SUGAR.

ACT No. XI. OF 1842.

[*Passed on the 1st October,* 1842.

Extends Acts No. 32, 1836, *and No* 15, 1839, *to Foreign Sugar, imported otherwise than as is therein mentioned.*

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

Repealed by Act 19, 1854.

MILITARY BAZARS.

ACT No. XII. OF 1842.

[*Passed on the 28th of October,* 1842.

1. *Persons residing within the limits of any Military cantonment &c. not to recover in a Military Court of Requests unless registered as a Military Bazarman.*

2. *Extends Acts* 11, *and* 28, 1841 *to all persons serving with the army, receiving public pay, menial servants, and other camp followers.*

Extended by Act XIV. 1855, to suits before Superintendents of Police in Madras.

An Act for the better regulation of Military Bazars, and defining the liabilities of Camp followers.

I. It is hereby enacted, that no person residing within the limits of any Military cantonment, and carrying on trade therein, or who shall have been a trader at any Military cantonment, shall be allowed to recover, in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall, at any time of contracting thereof, have been registered as a Military Bazarman within any such Cantonment.

II. And it is hererby declared, that all persons serving with any part of the army, and receiving public pay in any capacity, menial servants, and other camp followers of every description, shall be subject to the provisions of Acts No. XI. of 1841, and No. XXVIII. of 1841, in the like manner as enlisted soldiers.

BOMBAY.-REVENUE.

ACT No. XIII. OF 1842.

[*Passed on the 28th October*, 1842.

1 *and* 2. *The Governor in Council may grant to any Jageerdar, &c. and other holder of lands, the Revenue of which has been alienated to him by the State, a Commission, in the form given in Schedule A. authorizing him to collect such Revenue, which* (2) *shall be liable to be withdrawn at pleasure.*

3, 4 *and* 5. *The holder of Commission may demand security for payment of the Revenue, and may take same precautions as the Collector under Section* 11, *Regulation* 17, 1827, *and* (4) *may send Mohussuls on Land, &c. and* (5) *may attach the property of defaulters, &c.*

6. *All compulsory process shall cease on defaulter's giving security to institute a suit to try the demand, &c. Holder of Commission proceeding with compulsory process, after security has been given, shall forfeit treble the Revenue sought to be recovered.*

7. *The enforcement of any demand against Jageerdar for Revenue exceeding the amount due in specified manner shall be deemed extortion, &c. This Act not to prevent the holder of alienated Lands &c. from instituting a suit for the re-assessment of the Revenue.*

8. *Powers given by this Act to extend to the enforcement of payment of the Revenue of the current season and next preceding season only.*

An Act to enable the holders of Revenue, which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

Whereas it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of Commissions to certain Jageerdars, and others, by virtue of which such persons shall possess increased powers for collecting the Revenue due to them:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any Jageerdar, Surinjamdar, Inamdar, or other person holding Lands or Villages, the Revenue of which has been alienated to him by the State, a Commission conferring upon him authority for the collection of such Revenue by the powers hereinafter mentioned, or such of them as shall be specified in the Commission, in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such Commission, which shall be drawn out according to the form of the annexed Schedule A. shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more Agents of such holder of alienated Revenue, as well as to the holder in person.

III. And it is hereby enacted that the holder of such Commission shall have authority to demand security for the payment of the Revenue, in respect of the lands or Villages specified in the Commission, and if the same be not furnished, to take such precaution as the Collector is authorized to take under Section XI. Regulation XVII. of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such Commission shall have authority to send Mohussuls on Defaulters under provisions of Clauses 2, 3, and 5, Section XII. Regulation XVII. of 1827, Bombay Code, provided that one foot Mohussul only be employed in each case, and that the Mohussullee shall cease on the enforcement of any other remedy for the collection of the Revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such Com-

mission shall be authorized to attach the property of persons making default in the payment of such Revenue as aforesaid, making an immediate report to the Collector or his Assistant of his having done so, and should the demand on account of which the attachment may be made, appear to the Collector or his Assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the Provisions of Clause 7, Section XII. Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the commission by whom the attachment has been made shall be a Jageerdar, Surinjamdar, or Inamdar, vested by Regulation XIII. of 1830, with Civil jurisdiction, and with power to execute his own decrees, or his Agents, when the sale shall be conducted by him, and not by the Collector and his subordinate Revenue Officers.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease, on the alleged defaulter furnishing security to the holder of the Commission, or to the Collector or Assistant Collector of the District, to institute a suit within 15 days, in a competent Court, for the purpose of trying the demand, and to pay the amount which may be decreed against him, with costs and interest in such Court, provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827 Sections 3 and 4 and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, anything in Regulations I. and XVI. of 1831, notwithstanding. And any holder of any such Commission as aforesaid, by himself or his Agents proceeding with any compulsory process under this Act, after the furnishing of such security as aforesaid or after the due tender thereof, shall forfeit three times the amount of the Revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the Revenue or rent-payable to a Jageerdar to other holder of Government alienated Lands or villages shall have been fixed by a Government Officer before the grant of the Land in free tenure, or if the rent or Revenue tendered by any Ryot or other person be at the usual rate payable according to the custom of the Village and Pergunna, as declared by the Koolkurnee, and other Local Officers of Revenue, the enforcement of demand by any holder of a Commission under this

Act, of an excess of rent or Revenue beyond the amount due as above provided, shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain, upon any judgment being passed after regular summary trial, three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated Lands or Villages from instituting a suit, in any Court of competent jurisdiction, for the purpose of establishing his claim to re-assess the Lands or re-settle the Revenue of any Ryot, or other who may be paying less than the full jumma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power, the demand made by him under such decree, shall, if conformable thereto, be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

VIII. And it is hereby enacted, that the power conferred by such Commission shall extend to the enforcement of the payment of the Revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE A.

Form of Commission to be issued to a holder of alienated Revenue or his Agent, for enabling him to recover such Revenue.

Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by Act No. XIII. of 1842, is pleased to confer on your (Jageerdar, &c. or Agent, &c. as the case may be,) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission, in the manner prescribed in (or in Section————of) this Act.

The Villages and Lands over which the power thus conferred upon you extend are as follows.

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

Signed———

BOMBAY AND COLABA.--NUISANCES.

ACT No. XIV. OF 1842.

[*Passed on the 25th November*, 1842.

1. *Prohibits the throwing or depositing, &c. any offensive matter, &c. on any open ground contiguous to public thoroughfare.*

2. *Owner of open ground contiguous to public thoroughfare shall enclose the same, when ordered by Petty Sessions, or, in default, Petty Sessions may do it, at the expense of Municipal Fund, and defaulter liable to penalty, not exceeding twice the amount expended.*

3. *The Petty Sessions may order proper drains, &c. for the conveyance of wastage, &c. from houses &c. to be made by owners of such houses or, in default, Petty Sessions may make them at expense of Municipal Fund, but owner to be liable to penalty, not exceeding twice the amount expended.*

4. *Owner of house having privy upon the premises, shall have such privy shut out of view by fence &c.*

5. *Every privy, sink, drain, &c. shall be kept clean by owner of house, &c.*

6. *No person shall throw or deposit filth, &c on the roof of any building, or suspend therefrom any article so as to project, &c. nor bathe himself, nor wash any animal, &c. in any of the public tanks, &c Governor in Council may by proclamation declare what are public tanks &c. and which may be used to wash linen.*

7. *Petty Sessions may require any person keeping a public brothel, &c. in any of the more public roads, to shut off the same, &c.*

8. *No persons to keep a Coffee Shop, &c. other than a licensed Tavern, without licence from Petty Sessions.*

9. *Offences against this Act shall be summarily enquired into and decided by Petty Sessions. Offences for which no penalty is specified, shall be punished by fine, not exceeding* 200 *Rupees*

10. *Fines under this Act to be paid to the use of the Municipal Fund.*

An Act for giving greater facility in the abatement and prosecution of the Nuisances in and throughout the Towns and Islands of Bombay and Colaba.

Repealed by Act XIV. 1856.

EMIGRATION ACTMA.--URITIUS.

ACT No. XV. OF 1842.

[*Passed on the 2nd December*, 1842.

1. *Recites the order of Her Majesty in Council prescribing Rules to be observed at Mauritius Schedule of Rules.* (1.) *The Governor of Mauritius may nominate Emigration Agents at any places &c. in India and a Protector*

of Emigrants at Mauritius (2.) Agents not to be paid in proportion to number of Emigrants, but by salary. (3.) Duties to be performed by Emigration Agent towards Emigrants. (4.) No more than one person for every two Tons of the Registered burthen to be shipped in any ship, &c. (5.) Two Children under ten years of age to be computed as equal to one person only. (6.) What provisions shall be shipped on board of Emigrant vessels (8) The Agent for Emigrants shall survey, &c. the provisions, &c. before the Ship is cleared out, &c. and ascertain that the Ship is reputed seaworthy, &c. (9.) The Master of Ship bringing Emigrants to Mauritius shall provide a sufficient quantity of good provisions, &c. (10.) *Two copies of these Regulations to be delivered to the Master by the Emigrant Agent, &c.* (11.) *The Master of Emigrant Ship shall deliver to the Emigrant Agent, at place of destination, a list specifying name, &c. of all the Emigrants on board &c. and a counterpart to the Protector of Emigrants. Protector to proceed on board, &c. and ascertain whether these directions have been complied with. Protector of Emigrants to muster the Emigrants, &c and note c[illegible]'hs, &c.* (12.) *Protector if satisfied that Regulations have been complied with, e[illegible] grant a Certificate.* (13.) *No money to be paid by Colonial treasures in respect of Emigrants, except on warrant of Governor and Certificae.* (14.) *Protector of Emigrants to keep a Register of persons in respect of whom such Certificate is granted, &c.* (15.) *A penalty of Five Pounds per head payable for every Passenger to Mauritius exceeding the allowed proportion, and the like penalty for infraction of specified Regulations.* (16) *Sav s the Emigrant's or other person's right of action for breach of contract,* (17.) *Regulations not to extend to ships in service of the Admiralty nor to Her Majesty's Ships of War.* (18) *Emigrant not to enter into any contract of service in Mauritius until he has been* 48 *hours on shore.* (19) *Emigrant not to be liable in Mauritius to any action for debt contracted before his arrival.* (20) *Emigrant to be capable of making contract for service only according to the Law in force as to other labourers.* (21) *No payment to be made from the Treasury of the Island, unless on proof that the laws in force in India for the protection of Emigrants have been complied with.* (22.) *Interpretation Clause.*

Repeals Act 14, 1839, *as to Emigration from Calcutta, Madras and Bombay.*

2. *Emigrant labourers, native inhabitants of territories of East India Company, shall be allowed to Emigrate to Mauritius from Calcutta, Madras and Bombay only under provisions of this Act.*

3. *The Government at each of those ports shall appoint an Emigration agent, who shall make monthly reports to Government.*

4. *It shall not be lawful to convey Emigrants to Mauritius without a License. Master of Emigrant ship to be bound in* 10,000 *Rupees to conform to this Act, &c Conveying Emigrants without a license shall be a misdemeanor, &c.*

5. *No Emigrant to be received on board unless he has a certificate, &c.*

6. *Before any Emigrant Ship is cleared out the Master must obtain from the Emigration Agent a Certificate to the effect specified.*

7. *Probable lengths of Voyage to Mauritius to be calculated at the specified times of the year as specified.*

8. *Master of Emigrant Ship shall deliver to Emigration Agent such list as is specified in Regulation* 11 *of Her Majesty in Council.*

9. *and* 10. *Master clearing out without complying with provisions of this Act shall be liable to penalty of* 200 *Rupees, and* (10) *to penalty of* 500 *Rupees for offences specified in this Section.*

11. *If Certificate obtained by Master shall become inapplicable by any act fraudulently done, &c. by him, he shall be liable to penalty of* 5000 *Rupees, besides incurring a forfeiture of his Bond.*

12. *Officers of Customs, and Pilots may, for prevention of the illegal embarkation of Emigrants exercise the same powers as for prevention of smuggling.*

13. *Persons attempting by means of intoxication, &c to export any Native contrary to this Act shall be liable to a fine not exceeding* 5000 *Rupees, or imprisonment not exceeding six months.*

14. *The Customs Officer on board an Emigrant Ship shall countersign the Pass, &c. of every Emigrant, and keep a Register of Emigrants on board, &c. and perform other specified duties, and be liable to a fine of* 500 *Rupees, computable to six months imprisonment, if he wilfully makes a false, &c. report of the Emigrants on board of any ship.*

15. *Any person forging any document, &c. required by this Act, may be imprisoned not exceeding seven years.*

16. *Penalties under this Act may be enforced against Masters of Ships before any Justices of Peace at the instance of Emigration Agent, &c.*

An Act for regulating the Emigration of the native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.

I. Whereas it hath been ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

At the Court at Windsor,
The 15th of January, 1842.

Present,

The Queen's Most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bt.
Lord Chamberlain.	Mr. Chancellor of the Exchequer.
Earl of Jersey.	Sir James Graham, Bt.
Earl of Ripon.	Sir Edward Katchbull, Bt.

Whereas it is probable that the laws now in force in British

India for preventing the emigration of the inhabitants thereof to Her Majesty's Colonial possessions will be shortly repealed, so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by Laws to be for that purpose enacted in India, subject to various provisions to be in such Laws made for the protection of such Emigrants, and for the prevention of abuses. And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor General of India to appoint at ports or places in India, Officers charged with the care, protection and superintendence of all persons proposing to emigrate as Labourers from India to Mauritius. And whereas it is probable that provision will be made by Law at Mauritius for defraying from the public Revenue of that Island the expense of introducing emigration thither from British India. And whereas it is necessary that effectual provision should be made by Law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction of Emigrants from British India into that Island. It is therefore hereby ordered, by the Queen's Most Excellent Majesty by and with advice of her Majesty's Privy Council, that in the event of any Law being made in British India, authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such Laws containing provisions enabling the Governor General of India to appoint at the several ports of embarkation in India, Officers charged with the protection of persons emigrating from such ports to Mauritius, the various Rules and Regulations comprized, and set forth in the Schedule to this present order subjoined, shall, within the Island of Mauritius, have the force and effect of Law, and shall be observed and carried into effect by all Her Majesty's Officers, Civil and Miltiary, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may respectively appertain.

And the Right Hon'ble Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding order, comprising the Rules and Regulations to be observed at Mauritius in regard to

emigrants from British India, resorting to and arriving at that Island.

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor General of India may designate as a port or place for the embarkation of Emigrants to Mauritius, and may also from time to time nominate a proper person to Act as Protector of Emigrants at Mauritius.

2d. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3rd. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall be appointed, that such Emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such Emigrants from a removal to Mauritius, and at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to Ship on board of any Ship or Vessel carrying Emigrants from India to Mauritius, any number of Passengers exceeding the proportion of one person for every two Tons of the Registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one Deck, shall have less than the height of six feet at the least between Decks, and in case such Ship or Vessel shall have only one Deck, a Platform shall be laid beneath such Deck, and in such manner as to afford a space of the height of six feet at the least, and that such Platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such Voyage to Mauritius unless there shall be an interval of six inches at least between the Deck Platform, and the floor of the lower tier throughout the whole

extent thereof; and whatever may be the Tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower Deck or Platform, unoccupied by goods or stores, not being the personal luggage of such person.

5th. In the computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every Ship or Vessel bringing Emigrants into Mauritius at the time of departure of such Ship or Vessel from the port or place at which such Labourers shall be embarked good and wholesome Provisions for the use and consumption of the said Passengers over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed Voyage for every passenger on board such Ship or Vessel, such water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread Stuffs, to the amount of seven pounds weight to every week of the computed Voyage for every such Passenger; Provided always that when any such Ship or vessel shall be destined to call at a port or place in the course of her Voyage for the purpose of filling up her water Casks, a supply of water at the rate before mentioned for every week of an average Voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear, that, by the special authority of the Governor General of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the Voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any Law or Ordinance to be promulgated for that purpose by the Governor General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different

periods of the year different estimations are to be made of the probable length of any such Voyage, and if by any such Law or Ordinance the removal of Emigrants should during any particular period of the year be prohibited altogether, then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

8th. Before any such Ship or Vessel shall be cleared out, on any such voyage, the Agent appointed under this Ordinance for the port or place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

9th. The Master of every Ship or Vessel bringing Emigrants to Mauritius shall be bound to provide for and furnish to every such Emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such Ship or Vessel in Mauritius.

10th. Two Copies of these Regulations, authenticated by the signature of the Agent at the port or place from which such Emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

11th. The Master of every Ship or Vessel carrying Emigrants from India to Mauritius, shall, before clearing out such Ship or Vessel, deliver to such Agent at the port or place from which such Vessel shall be cleared out, a list in writing, together with a duplicate of the same specifying as accurately as may be the names,

ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at Mauritius, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Emigrants hereinbefore mentioned. And such Protector of Emigrants shall forthwith proceed on board of such Ship or vessel and shall ascertain as far as possible by personal inspection of the Ship or Vessel and Passengers whether the directions hereinbefore contained with regard to the situation of the berth of such Ship or Vessel, the proportion of the Passengers to the burthens and measurements of such Ship or Vessel, and the maintenance of the Emigrants during such passage have been complied with, and such Protector of Emigrants shall personally muster such Emigrant, and compare the number and names of such Emigrants with the said counterpart of such lists, and shall certify in writing under his hand upon such counterpart the total number of Emigrant, then living and being on board of such Vessel, and in case any such Emigrant shall have died during the passage, or the number of names of the Emigrants shall differ from the number of names stated in such counterpart, the Protector of Emigrants shall note such death or difference upon such counterpart, and thereupon shall grant a License under his hand for the disembarkation and landing of such Emigrants.

12th. If the Protector of Emigrants, on suchpersonal inspection of the Ship or Vessel and Emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a Certificate under his hand of the arrival in Mauritius of such Emigrants respectively and the place from which and the Ship or Vessel in which such Emigrants shall have arrived.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such Emigrants as aforesaid except on the Warrant of the Governor of that Island, which Warrant shall not be issued except on such Certificate as aforesaid of the said Protector of Emigrants.

14th. The Protector of Emigrants shall keep a Register of all persons in respect of whom any such Certificate as aforesaid shall

be granted, and of the Ship or Vessel in which the port from which, and the time at which such person shall have arrived in this Colony, a copy of which Registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any Ship or Vessel bringing Emigrants from India to Mauritius shall carry any number of Passengers exceeding the proportion authorized and allowed by these Regulations, a Penalty of Five Pounds per head shall be payable in respect of each Passenger so carried in excess of such proportion, or if such Ship or Vessel shall not be of the height between Decks hereinbefore required, or if such a Platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required: or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage such an interval as is hereinbefore prescribed between the Deck and the Floor of the lower tier of berths, or if any such Ship or Vessel shall clear out, and put to sea not having on board such water and provisions as aforesaid for the use and consumption of the Passengers, of the kind and to the amount and in the proportion hereinbefore directed; or if any such Ship or Vessel shall be cleared out before such lists of Emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false, or if the copy of these Regulations be not produced as hereinbefore required, or if any Emigrant shall not be maintained during such voyage, and for 48 hours after his arrival; the Master of any such Ship or Vessel shall, for and in respect of each and every such offence, be liable on summary conviction before any Stipendiary Magistrate, at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius, to the payment of a fine not less than £5, nor more than £20 British Sterling, and in default of payment of the fine above mentioned either immediately or at the time fixed by such Stipendiary Magistrate at the time of making such conviction, to imprisonment for any time not less than one or more than three calendar months.

16th. Provided nevertheless that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Emigrant in any such ship or vessel, or to any other person

in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such Emigrant or other person, and the Master, Owner or Owners of any such ship or vessel.

17th. Provided always that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

18th. No Emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No Emigrant arriving from India at Mauritius and engaging to labour in that Island shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such Emigrant before his arrival in the said Island.

20th. No Emigrant arriving from India at Mauritius, shall in Mauritius be capable of entering into any contract for service except for the period in the manner and under the superintendence which by a Law in force there is required in the case of contracts for service made by other Labourers in Agriculture or Manufactures within the said Island.

21st. No payment shall be made from the Treasury of the said Island in respect of any Emigrants introduced there from India, unless on proof, to the satisfaction of the Governor of Mauritius, that all Rules and Regulations which may be established by Law in India, for the advantage and protection of such Emigrants have been duly complied with, such Rules and Regulations not being repugnant to any thing in these Regulations contained.

22d. In every case in which the Penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. GREVILLE.

In conformity with which said order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of Natives from the Ports of Calcutta, Madras, and Bombay respectively, to the Mauritius, shall be repealed from the day when the Governor General of India in Council, or in his absence, the President in Council shall notify in the Gazette that it hath been duly certified to him that such Regulations have been provided, and that such measures have been taken by the Government of Mauritius as he may deem necessary for the protection of Emigrant Labourers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India; Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India except the ports aforesaid, and in regard to Emigrants from India proceeding to other places than the Mauritius.

II. And it is hereby enacted, that after this Act shall come into operation, Emigrant Labourers being Native Inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the Ports of Calcutta, Madras and Bombay respectively, in compliance with the provisions hereinafter mentioned but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated to authorize the persons nominated by the Government of Mauritius, under the order hereinbefore inserted, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of labouring for hire in the Colony of Mauritius from either of the Ports aforesaid, in any ship or vessel, unless a License be obtained for carrying Emigrants in such ship or vessel from the Government of the Presidency in wich the Port is situ-

ated. A fee not exceeding one Rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such License, which fee shall be carried to the credit of the said Government, and the granting or withholding any such License shall be entirely discretionary with the Government, and in consideration of such License the Master of every ship conveying or destined to convey Emigrants from India shall execute a Bond, binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions hereunder provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony of Mauritius, and one copy shall be forwarded to the Government of Mauritius to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be conveyed without a License being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

V. And it is hereby enacted, that it shall not be lawful for the Master of any vessel licensed as above to receive on board any Emigrant Labourer as above provided, unless such Labourer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness and desire to proceed to work for hire in the said Colony of Mauritius.

VI. And it is hereby enacted, that before any ship or vessel so licensed to carry Emigrant Labourers as above provided, shall be cleared out from any of the aforesaid Ports for the Mauritius, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a Certificate under the hand of such Agent to the effect following, that is to say:—

1. That such Agent has, by personal communication, done what is required on the part of such Agent by the third Article of the Schedule hereinbefore inserted; provided always that every Agent shall make the inquiry specified in such Schedule, in an

open Court or public Office, to which all persons shall have admission.

2. That all the directions contained in the 4th, 5th, 6th, and 8th, Articles of the Schedule hereinbefore inserted for ensuring the health and safety of Passengers have been duly complied with.

3. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council, or in his absence, the President in Council shall from time to time frame touching the medical attendance and medical stores to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VII. And it is hereby enacted, that with reference to article 7 of the Schedule hereinbefore inserted, the probable lengths of a Voyage to the Mauritius from the respective ports aforesaid, shall for the purposes of this Act be deemed to be for the port of Calcutta.

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

For the port of Madras, between the months of April and October inclusive, seven weeks, and between the months of November and March inclusive, five weeks.

For the Port of Bombay, between the months of April to September inclusive, five weeks, and between the months of October to March inclusive, six weeks.

VIII. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the Master thereof to deliver to the Emigration Agent so nominated and authorised at such port as aforesaid the list specified in Article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said article.

IX. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the ports aforesaid take on board such Ship or Vessel any Emigrant Labourer of the description aforesaid and shall clear such Ship or Vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any

Magistrate or Justice of the Peace, in a penalty of 200 Rs. for every Emigrant Labourer so taken on board his Ship or Vessel.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall, after having cleared such Ship or Vessel at any such port as aforesaid for the Mauritius, take on board any such Emigrant Labourer as aforesaid without having entered such Emigrant Labourer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant, prior to clearance, he shall be liable, on conviction, before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rs. for every Emigrant so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for the Mauritius as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction, in any penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any License obtained for the Vessel as originally described.

XII. And it is hereby enacted, for the greater security against Emigrant Labourers embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the Officers of Customs, in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels, bound for the Mauritius, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprisonment, or other means of crimping to export any native on board any Ship or vessel contrary to the provisions of this Act, shall be liable to be punished before a Magistrate in a fine not exceeding 500 Rupees,

or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XIV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for the Mauritius with Emigrant Laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board by every such Emigrant Labourer, and shall keep a Register of every such Emigrant Labourer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers has been made in his absence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster, and quitted the Vessel, the Pilot shall continue to exercise the duties indicated in Section XII. of this Act. And it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general Muster of the Crew and Passengers and Emigrant Labourers on board and to sign a Muster Roll so taken. And every such Custom House Officer and Pilot shall make a complete report of the Emigrant Labourers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration, that, to the best of the Declarant's belief, no additional Coolees have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report, or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete report of the Emigrant Labourers on board of any ship, or who shall connive at the unauthorized embarkation of any such Emigrant Labourers, shall be liable besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offence committed in respect to the Customs Revenue.

XV. And it is hereby enacted that if any person shall forge, or

shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVI. And it is hereby enacted, that all the several penalties to which Masters of Ships or Vessels are liable by this Act shall be enforced by information laid before any Justice of the Pece at the instance of the Emigration Agent, or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the license granted to the Ship.

BENGAL.—LEASES.

ACT No. XVI. OF 1842.

[*Passed on the* 16*th December*, 1842.

Modifies Sections 2, *and* 3, *Regulation* 14, 1812.

Leases granted by Zemindars, &c. for a longer term than their own engagements with government to be null and void only for the excess.

An Act concerning the terms of Leases granted by Zemindars and Proprietors.

It is hereby enacted, in modification of Sections II. and III. Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other Proprietors of Land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respecti

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BOMBAY.—REVENUE.

ACT No. XVII. OF 1842.

[*Passed on the* 16*th December*, 1842.

1. *Repeals part* 8, *Regulation* 5, *of* 1830.

2. *One or more Revenue Commissioners to be appointed for the whole of Bombay.*

3. *Each Revenue Commissioner may have as many Deputies, &c. as the Governor in Council may deem expedient.*

An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one Revenue Commissioner shall be appointed for the Territory subordinate to Bombay, and that the Southern Maharatta Country shall be excluded from his jurisdiction, is repealed.

II. And it is hereby enacted, that one or more Revenue Commissioners shall be appointed for the whole of the Territory Composing the Presidency of Bombay, each of whom shall be vested with all the powers possessed by the single Revenue Commissioner, under Regulation V. of 1830, and shall be empowered to act within the Presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an Order published in the Gazette.

III. And it is hereby enacted, that each Revenue Commissioner shall have such number of Deputies and Assistants, as the Governor in Council may deem it expedient to appoint.

BOMBAY.—REVENUE.

ACT No. XVIII. OF 1842.

[*Passed on the 23rd December*, 1842.

1. *Revenue Commissioner or Assistant may exercise the same powers as the Collector and Magistrate touching the Revenue except passing sentence of punishment.*

2. *Revenue Commissioner or Assistant, or Collector, or Assistant; or Sub-Collector, may delegate to a native the above powers, provided they are such as might be exercised by a District Police Officer. Proceedings of delegates to be sent to superior.*

3. *Magistrate not to be prevented from acting, where charge is dismissed, or the above powers have not been exercised.*

An Act for facilitating preliminary investigations of criminal cases connected with the collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the Revenue Commissioner or his Assistant within the Presidency of

Bombay to exercise the same powers as the Collector and Magistrate of any Zillah under that Presidency in all matters touching the collection and management of the Revenue, and the conduct of Revenue Officers in their Official capacities, except that they shall not pass any sentence of punishment; but when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the Magistrate for trial or for committal according to the nature of the case.

II. And it is hereby enacted, that a Revenue Commissioner or his Assistant, or a Collector of Land Revenue or his Assistant, or a Sub-Collector, may, by writing order, delegate in any case, to any native servant regularly employed on their respective Establishments not being of an inferior grade to a Karcoon, any of the above powers of preliminary investigation provided they be the same as are exercised by District Officers of Police under the Regulations. And the proceedings under this Act of all such servants shall be sent to the delegating authority for revision, and after such revision, if the charge be not dismissed, the case shall be forwarded to the Magistrate as aforesaid.

III. And it is hereby provided, that nothing in this Act contained shall prevent any Magistrate from making preliminary inquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

REGISTRATION OF DEEDS.

ACT No. I. OF 1843.

[*Passed on the 27th January*, 1843.

Repeals all provisions in any Regulation touching knowledge or notice of unregistered conveyances, &c. Enacts, that unregistered titles shall be void as against any person claiming under subsequent registered title, notwithstanding notice of prior unregistered title. Act not to extend to conveyances made before 1st May 1843.

Repealed by Act XIX. 1853, but retained here as affecting titles while it was in force.

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And Whereas a complicated system of Law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording by means of their being registered, a security against conveyances or instruments being set up, as of previous date, by unregistered claimants:

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall, so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior coveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

BENGAL.--APPEALS TO SUDDER DEWANNY ADAWLUT.

ACT No. II. OF 1843.

[*Passed on the* 1st *February*, 1843.

1. *If single Judge of Sudder Dewanny Adawlut, trying an appeal regular or special is of opinion that the decision appealed against ought to be altered or reversed, he shall call in two other Judges to sit with him, and the three shall decide the case and if they agree sign, or the opinion of him who differs shall be recited in, the decree.*

2. *Act not to apply to Summary Appeals, nor appeals in miscellaneous cases, nor to powers of a single Judge under Clause* 2, *Section* 2, *Regulation* 9, 1831.

An Act to regulate the sittings of the Courts of Sudder Dewanny Adawlut.

Amended by Act II. 1851, and superseded or repealed by Act VIII. 1859, the New Code of Civil Procedure.

SPECIAL APPEALS.

ACT No. III. OF 1843.

[*Passed on the* 1st *February*, 1843.

1. *Special Appeals shall lie to the Sudder Dewanny Adawlut at Calcutta and Allahabad, the Sudder Adawlut at Madras and Sudder Dewanny Adawlut at Bombay from all decisions passed in regular appeals in Civil Courts subordinate to them.*

2, 3 *and* 4. *Applications for Special Appeals must be presented in same time as for regular appeals : and* (3) *be accompanied by copies of the decrees previously passed, and* (4) *be heard by single judge, who may call for any document of record, &c.*

5. *If Judge deems a Special Appeal admissible, he shall order accordingly, and, reduce in the form of a Certificate the points to be determined to writing in English, which shall be translated into the vernacular language used by the Court and the appeal shall be brought on in due course.*

6. *Judge's order rejecting a Petition for special appeal shall be final.*

7. *Upon special appeal, the Sudder Dewanny Adawlut shall determine the points certified and no other part of the case.*

8. *If special ground of appeal has been incorrectly certified, the Court may amend the Certificate, but such amendment shall relate only to points originally certified, &c.*

9. *Saves existing laws as to special appeals, so far as they are not inconsistent with this Act.*

10. *Act not to affect pending appeals, &c.*

An Act for amending the Rules of Special Appeals.

Repealed by Act XVI. 1853.

APPEALS FROM CONVICTIONS.

ACT No. IV. OF 1843.

[*Passed on the 24th March*, 1843.

1. *An appeal shall lie from all sentences by any Justice of the Peace and Magistrate without the local limits of Supreme Courts, &c. After Appeal there shall be no writ of Certiorari.*

2. *This Act not to take away the writ of Certiorari where there has been no Appeal.*

Extended by Act VII. 1853, entitled An Act to extend the jurisdiction of Magistrates under the 53 G. 3 c. 155 s. 105 in cases of assaults, forcible entries, and other injuries accompanied with force not being felonies.

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53, Geo. III. Ch. 155.

Whereas, in many cases provided by Law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulation, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the provisions of Statute 53, Geo. III. Ch. 155, in cases of asaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendments.

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and acts of the

Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

III. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari in any other case than where there has been such Appeal as aforesaid.

ABOLITION OF SLAVERY.

ACT No. V. OF 1843.

[*Passed on the 7th April,* 1843.

1. *No public Officer in execution of any decree, &c. shall sell, &c. any person or the right to his compulsory labour, as being a person in a state of slavery.*

2. *No rights arising out of an alleged property in the person, &c. of another as a slave, shall be enforced by any Court, &c.*

3. *No person who may have acquired property, &c. shall be dispossessed &c. on the ground that the person from whom it was derived was a slave.*

4. *Any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being a slave.*

An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I It is hereby enacted and declared, that no public Officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue sell, or cause to be sold, any person, or the right to the compulsory labour or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest shall be dispossessed of such property or prevented from taking possession thereof on the ground that such

person from whom the property may have been derived was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

BENGAL.—AMEENS AND MOONSIFFS.

ACT No. VI. OF 1843.

[*Passed on the 21st April*, 1843.

1. *Modifies Clause 4, Section 18, Regulation 5, 1831. Principal Sudder Ameens to be guided by the rules established in Courts of Zillah and City Judges.*

2. *Extends Section 4, of Act 25, 1837, to all interlocutory orders passed by Principal Sudder Ameens.*

3. *Repeals parts of Regulation 22, 1814, prohibiting Sudder Ameens and Moonsiffs from requiring Security, &c.*

4. *Sudder Ameens and Moonsiffs may demand Security under Sections 4 and 5, Regulation 2, 1806, and may proceed for realization of fines without reference to Zillah Judge.*

5. *Modifies Section 22, Regulation 5, 1831. Decrees passed on appeal in Courts of Judges or Principal Sudder Ameens shall be executed by the Court in which the original decree was passed, &c. In appeal from order of Moonsiffs or Sudder Ameens, the decision of Zillah or City Judge to be final.*

6. *Repeals Clause 2, Section 13, Regulation 23, 1814. and Clause 4 Section 5, Regulation 5, 1831.*

7. *No person by reason of place of birth or of descent shall in any civil proceeding be exempted from jurisdiction of Moonsiffs, &c.*

8 *and* 9. *Persons invested with the power of Moonsiffs may receive, &c. suits of every descriptions, under restriction, &c. as to local jurisdiction and value mentioned in Clauses 1, 2, and 3, Section 5, Regulation 5, 1831. But no Moonsiff to try Suit, &c. in which he himself, his relations, &c are interested.*

(9) *Suits which he cannot try by reason of this restriction shall be sent to Zillah Judge who may refer the same, &c. to any other Moonsiff.*

An act for amending the law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

Repealed as respects the Regulation-Provinces by Act VIII. 1859, the new Code of Civil procedure.

MADRAS.--COURTS OF E. I. CO.

ACT No. VII. OF 1843.

[*Passed on the 28th April,* 1843.

1. *The Governor in Council may abolish the Provincial Courts of Appeal and Circuit and the Civil and Criminal Zillah Courts and establish new Zillah Courts and replace the existing ones by Courts constituted according to Regulations* 1, *and* 2, 1827, *or Regulations* 7 *and* 8, 1827.

2. 3. *and* 4. *Every Zillah Court to be established shall be superintended by one Judge, styled Civil and Session Judge, &c. and* (3) *have the same jurisdiction as is now exercised by Provincial Courts of Appeal, except their Original jurisdiction in suits of less than* 10,000 *Rupees, &c. which* (4) *shall be transferred to subordinate Zillah Courts, &c.*

5. *Rescinds Section* 7, *Regulation* 7, 1827.

6. *Zillah Courts to entertain Appeals from subordinate Court, &c.*

7. *Modifies Section* 9, *Regulation* 7, 1827. *Principal Sudder Ameen having occasion to call on Collector, &c. to act in any matter before his Court, he shall transmit an extract of the proceedings, &c. an abstract of case, specifying what he requires to be done, &c. and such Collector, &c. shall comply, in same manner as if precept from Zillah Judge had issued, or report the case to the Zillah Judge who shall proceed thereon.*

8. *Appeals shall be to Zillah Judge's Court from all subordinate Civil Courts constituted under Regulations* 1, *and* 7, 1827, *and from Sudder Ameens and District Moonsiffs, &c. if made within* 30 *days, &c. Proviso* (2) *for the case of Courts remote from the Station of the Zillah Court.* (3) *Zillah Judge may refer to subordinate Judge or Principal Sudder Ameen Appeals from District Moonsiffs* (4) *and if such Appeal is dismissed, a summary Appeal shall be to the Zillah Judge.*

9. *From Zillah Courts Appeals, both regular and summary, shall lie to Sudr Udalut.*

10. *and* 11. *Single Judge of Sudr Udalut, shall have cognizance subject to specified provisions, which provisions shall also apply to subordinate Judges and Principal Sudder Ameens.*

12. *Rescinds any provisions requiring inferior Courts to furnish the Sudr Udalut with translations, &c.*

13. *Modifies Sections* 13, 14, *of Regulation* 5, 1802. *All processes, &c. from Sudr Udalut, shall be directed to the Zillah Courts under this Act.*

14. *Zillah Court may refer the execution of decrees out of the Sudder to the subordinate Judges, Principal Sudder Ameens, &c.*

15. *All other processes from Sudder Ameen to be executed by proper officers of Zillah Court.*

16. *Modifies Section* 6, *Regulation* 3, 1803. *Power of suspending Sudder Ameens vested in Zillah Courts.*

17. (1) *The term Zillah Judge in Regulations* 6 *and* 7, 1816, *except Section* 56, *of Regulation* 6, 1816, *shall be applicable to Zillah Judges under this Act, and the*

term Principal Court shall apply to the Sudr Udalut, (2) District Moonsiffs may be employed by subordinate Judges and Sudder Ameens for specified purposes.

18. *Zillah Judge may refer to Subordinate Judge or Principal Sudder Ameen &c. causes called up under Section* 54, *Regulation* 6, 1816.

19. *Specified causes sent by District Moonsiff to Zillah Judge may be referred to a Sudder Ameen or another District Moonsiff.*

20. *Zillah Judges may refer to subordinate Judges and Principal Sudder Ameens applications for execution of decisions of District Punchayets.*

21 *and* 22. *Zillah Judges may pass orders on complaints under Section* 11, *Regulation* 7, 1816, *according to Clause* 4 *thereof; (*22) *and under section* 27, *Regulation* 7, 1832.

23. *Civil Actions and Criminal Prosecutions under specified Regulation, with respect to District Moonsiffs and Sudder Ameens, shall be brought before the Zillah Courts, &c.*

24. *Rescinds Section* 3, *Regulation* 8, 1816.

25. *Modifies Section* 14, *Regulation* 8, 1816. *Sudder Ameens may order certain executions, &c.*

26. *Zillah Courts shall exercise same Criminal jurisdiction as is exercised by Courts of Circuit, &c.*

27. *Zillah Judges shall hold permanent sessions for trial of persons accused of crimes, &c.*

28. *Rescinds Section* 2, *Regulation* 13, 1832.

29. *Modifies Clauses* 1, 3, *Section* 9, *Regulation* 10, 1816. *Subordinate Judge, or Principal Sudder Ameen, may under specified circumstances commit a prisoner for trial*

30. *Session Judge shall try prisoner immediately, &c.*

31. *Except in specified cases the Mahometan Law Officer attached to Zillah Court shall sit with Session Judge, &c.*

32 33 *and* 34. *Session Judge may avail himself of the assistance of respectable natives in the manner specified, &c. Decision to be by the Judge, but if he differs from the opinion of the Jury it must be confirmed by Foujdaree Udalut; (*33) *and one Judge of Foujdaree Udalut may alter or reverse the decision in favor of the accused, &c or (*34) *may confirm the decision and pass final sentence except for capital punishment.*

35. *Foujdaree Udalut on review of abstract, &c. may, without reference, mitigate sentence, &c. or require the Session Judge to pass a new sentence.*

36. *Modifies Section* 2, *Regulation* 3, 1833, *and vests in Session Judge the power to overrule judgments in Criminal Cases of Sudder Ameens.*

37. *Section* 24, *Regulation* 10, 1816; *Clauses* 2, 3, *Section* 4, *Regulation* 2, 1822; *Clause* 2, *Section* 5, *and Clauses* 2, 4, *Section* 8, *Regulation* 6, 1827; *shall apply to Session Judges, &c.*

38. *Prosecutions against Magistrates, &c. under Section* 43, *Regulation* 9, 1816, *shall be instituted in Zillah Court.*

39, 40. *and* 41. *Modifies Section* 3, *Regulation* 13, 1832. *Session Judge shall bring to notice of Foujdaree Adawlut any gross misconduct of any native Officer,*

&c also (40) any minor neglects, &c. of subordinate Officers of police, &c. and (41) report any neglect, &c. of the Magistrate, &c. by which the course of justice has been impeded, &c.

42. *Session Judge may communicate directly with the District Officers of Police, to obtain evidence in cases specified.*

43. *Except as in Section 47, Europeans and Americans charged with offences not punishable by Magistrate, &c shall be tried by Sudder Judge, &c.*

44. *If Governor in Council has established the Zillah Court and the Courts of Subordinate Judge, &c. at separate stations, the Governor in Council may authorize the Session Judge to take cognizance of specified Criminal cases.*

45. *If Subordinate Civil and Criminal Court is established, the Governor in Council may authorize the Civil and Session Judge to exercise the jurisdiction assigned to such Courts besides his own proper Civil and Criminal Jurisdiction.*

46. *Governor in Council may authorize Sudder Ameen at detached station to receive, &c. civil suits, &c. without intervention of Zillah Judge under prescribed limitation as to amount, and Criminal cases, the punishment of which is limited, &c.*

47. *European Principal Sudder Ameen at Cochin, shall exercise all the powers of a Criminal Court, &c.*

48 *and* 49. *Zillah Court to be under charge of Session Judge in specified case and (49) in other cases under Judge of subordinate Court, subject to visitation &c by Session Judge.*

50. *Subordinate, Officers and Vakeels of Zillah Courts shall be subject to same rules as those of the Principal Courts of Appeal.*

51. *Governor in Council shall direct what Law Officers shall be appointed, &c.*

52. *The Governor in Council may appoint Assistant Judge, &c.*

53. *The Governor General in Council may authorize the Governor in Council to change the stations of Zillah Courts, &c*

54 *and* 55. *Extends to Magistrates the powers vested in Criminal Judges under specified Regulations, to be exercised in like manner as by subordinate Criminal Courts subject* (55) *to an appeal to Sudder Judge within one month, who may alter or annul the decision of the Magistrate but not increase the punishment.*

56. *Courts established under this Act to dispose of cases pending, &c.*

An Act for abolishing the provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts and for extending the Civil jurisdiction of such Courts.

I. It is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an order in Council to abolish the provincial Courts of Appeal and Circuit, and the Civil and Criminal Zillah Courts, now existing in that presidency, and to establish new Zillah Courts to perform the Civil and Criminal functions

now performed by the said provincial Courts, and to replace the existing Civil and Criminal Zillah Courts, by Courts, constituted according to Regulations I. and II. of 1827, or Regulations VII and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every Zillah Court established under this Act, shall be superintended by one Judge, who shall be styled Civil and Session Judge of the Zillah.

III. And it is hereby enacted, that the Zillah Courts established under this Act shall exercise within the limits assigned to them respectively by the Order in Council by which they are constituted, the same Civil jurisdiction as is now exercised by the provincial Courts of Appeal, except the original jurisdiction vested in those Courts in suits for an amount or value less than 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such provincial Courts of Appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the original jurisdiction vested in the provincial Courts of Appeal in suits for an amount or value less than 10,000 Company's Rupees, shall be transferred to the subordinate Zillah Courts constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that Section VII. Regulation VII. of 1827, be rescinded.

VI. And it is hereby enacted, that in every Zillah in which there is a subordinate Court constituted according to Regulation VII. of 1827, the Zillah Court shall take cognizance of the appeals which by Section VIII. of that Regulation are reserved from the jurisdiction of such Court.

VII. First.—And it is hereby enacted, in modification of Section 9, Regulation VII. of 1827, that in all cases in which a Principal Sudder Ameen has occasion to call upon a Collector, subordinate Collector, or Assistant Collector, or other European Officer of Government, to do any thing in any matter before his Court, he shall transmit to such Officer an extract from the proceedings of the Court containing a brief Abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time, and such Officer shall

comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by a Precept from the Zillah Judge.

Second.—Provided, that if such Officer does not comply with such requisition the Principal Sudder Ameen shall report the case to the Zillah Judge who shall proceed thereon as if the requisition had been made by a precept from himself.

VIII. First.—And it is hereby enacted, that appeals shall lie to the Zillah Court from all decrees or orders of subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameens and District Moonsiffs in cases in which Appeals are now allowable, but such Appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

Second.—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any Zillah, at a place remote from the station of the Zillah Court, the Sudr Udalut, with the sanction of the Governor in Council, may order Appeals from the decisions and orders of District Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be competent to the Zillah Judge at his discretion, to call up to his own Court, from time to time, Appeals received by any such Court, and to dispose of them himself.

Third.—Provided also, that the Judge of any Zillah Court may refer to any Subordinate Judge or Principal Sudder Ameen in the Zillah, any Appeals from District Moonsiffs which may be filed in the Zillah Court.

Fourth.—Provided also, that if any such Appeal from a decision or order of a District Moonsiff which may have been under this Section referred for decision, or preferred in the first instance, to a subordinate Judge or Principal Sudder Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a summary Appeal from it to the Judge of the Zillah, and it shall be the duty of the said Zillah Judge to hold such proceeding on such summary Appeal as he may consider proper, and, having satisfied himself that the order dismissing the Appeal has been passed without sufficient cause being shown for such dismissal, it shall be

competent for such Zillah Judge to issue his precept to the Court by which the appeal may have been dismissed, requiring that the appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that Appeals, Regular and Summary, from decisions and orders of the Zillah Courts, shall lie to the Sudr Udalut, under the same rules and restrictions as are applicable to similar Appeals to the Sudr Udalut from the Provincial Courts of Appeal.

X. and XI. Regulated now by Act VIII. 1859, Civil Code of Procedure Act.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudr Udalut with translations of papers written in the Vernacular languages of the country which they may transmit to that Court in Appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of Sections XIII. and XIV. Regulation V. of 1802, that all processes and orders therein described which may issue from the Sudr Udalut, shall be directed to the Zillah Courts established under this Act.

XIV. Regulated now by Act VIII 1859. Civil Code of Procedure.

XV. And it is hereby enacted, that all other processes issued by the Sudr Udalut and directed to the Zillah Courts, or originating in the Zillah Court, shall be served under the orders of the Zillah Judge by the proper Officers of the Court.

XVI. And it is hereby enacted, in modification of Section 6, Regulation III. 1833, that the power of suspending Sudder Ameeens from Office, hereby vested in the Zillah, Assistant, and Native Judges, shall for the future be vested in the Judges of Zillah Courts established under this Act.

XVII. First—Regulated by Act VIII. 1859.

Second.—Provided, that District Moonsiffs may be employed by subordinate Judges and Principal Sudder Ameens as well as by Judges of Zillah Courts, in the manner and for the purposes specified in Section 60, and 61, Regulation VI. 1816.

XVIII. and XIX. Repealed by Act VIII. 1859.

XX. And it is hereby enacted, that the Judges of Zillah Courts

may refer to the subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of District Punchayets preferred under Section 17, Regulation VII. 1816.

XXI. And it is hereby enacted, that it shall be competent to Judges of Zillah Courts to pass orders of their own authority on complaints preferred under Section II. Regulation VII. 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the Zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section 27, Regulation VII. 1832.

XXIII. And it is hereby enacted, that Civil Actions and Criminal prosecutions under Clauses 1 and 2, Section 8, Regulation VI. 1816, with respect to District Moonsiffs, and as extended by Section 13, Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before the Zillah Courts established under this Act.

XXIV. And it is hereby enacted, that Section 3, Regulation VIII. 1816, be rescinded.

XXV. and XXVI. Regulated by Act VIII. 1859.

Repealed by XVII 7/62

~~XXVII. And it is hereby enacted, that the said Judges shall hold permanent sessions in the said Zillah Courts for the trial of all persons accused of crimes and offences now cognizable by the Courts of Circuit who shall be committed for trial by the subordinate Judges, or Principal Sudder Ameens, of the Zillahs respectively.~~

XXVIII. And it is hereby enacted, that Section 2, Regulation XII. 1832, be rescinded.

Repealed by XVII 7/62

~~XXIX. And it is hereby enacted, in modification of Clauses 1st and 3d, Section 9 Regulation X. of 1816, that if upon a perusal of the depositions given before the Magistrate, or any competent Officer of Police, it shall appear to the subordinate Judge, or Principal Sudder Ameen, before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the Judge of the Zillah Court of Session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on Oath before him, it shall be competent to the subordinate Judge, or Principal Sudder Ameen, without further investigation, to commit the prisoner to take his trial before the Session Judge.~~

XXX. And it is hereby enacted, that the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution and the defence of the prisoner and the examinations of the witnesses for the defence, and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that except in cases in which the Session Judge thinks proper to proceed as authorized in Section 32, of this Act, the Mahomedan Law Officer attached to the Zillah Court shall sit with the Session Judge for the trial of persons charged with crimes now cognizable by Courts of Circuit, in like manner and subject to the like Regulations as are now applicable to Law Officers sitting with the Courts of Circuit.

XXXII. First.—And it is hereby enacted, that it shall be competent to Session Judges in the trial of criminal cases, to avail themselves at their discretion of the assistance of respectable Natives, or other persons, in either of the two following ways:

Viz.—By constituting two or more such persons Assessors, or Members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of each of the Assessors shall be given separately and discussed, and if any of the Assessors, or the authority presiding in the Court, desire it, the opinions of the Assessors shall be recorded in writing.

Or by employing them more nearly as a jury. They will then attend during the trial, will suggest, as it proceeds, such points of enquiry as occur to them, (the Court, if no objection exists, using every endeavour to procure the required information) and after consultation will deliver in their verdict. The mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides.

Second.—Provided, that the Law Officer may be one of the Assessors or Jury.

Third.—Provided also, that the decision shall be passed by the Judge according to his own opinion, whether he agrees with the Assessors or Jury, or not, if the case be one which, under the existing Regulations, it is competent to him to dispose of finally. But if he differs from the Assessors or Jury, his decision shall not be carried into effect unless confirmed by the Court of Foujdaree Udalut to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single Judge of the Foujdaree Udalut on a revision of the proceedings held on any Criminal trial by any Court of inferior Jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment, or otherwise.

XXXIV. And it is hereby enacted, that if a single Judge of the Foujdaree Udalut, on a revision of the proceedings in a trial held by a Session Judge, concur in opinion with the Session Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, except for capital punishment, which as heretofore shall, in all cases, require the concurrent opinion of two Judges of the Court.

XXXV. Repealed by Act XIX. 1848, s. 1.

XXXVI. And it is hereby enacted, in modification of Section 2, Regulation III. 1833, that the authority to overrule Judgments passed by Sudder Ameens in Criminal cases shall be vested in the Session Judges.

XXXVII. And it is hereby enacted, that Section 24, Regulation X. 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section 8, Regulation VI. 1827, shall be applicable to Session Judges instead of Judges of Circuit.

XXXVIII. And it is hereby enacted, that prosecutions against Magistrates and their Assistants under Section 43, Regulation IX. 1816, shall be instituted in the Zillah Courts established under this Act.

XXXIX. First.—And it is hereby enacted, in modification of Section 3, Regulation XIII. 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Udalut any gross misconduct of any native Officer of Police which may have come under his observation in a case investigated by himself,

or which may have been reported to him by a subordinate Judge, or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Udalut to order the dismissal of such Officer.

Second.—Provided, that the Session Judge shall furnish a Copy of his Report upon the case to the Magistrate, and the Foujdaree Udalut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Session Judge to bring to the notice of the Magistrate any minor neglects, or omissions, or transgressions, of the subordinate Officers of Police which have come under his own observations, or have been reported to him by subordinate Judge or Principal Sudder Ameen, and such notifications shall be recorded in the periodical returns to the Foujdaree Udalut.

XLI. And it is hereby enacted, that it shall be competent to the Session Judge to report to the Foujdaree Udalut any neglect or delay on the part of the Magistrate, or the subordinate Officers of the Magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a subordinate Judge, or Principal Sudder Ameen.

XLII. And it is hereby enacted, that it shall be competent to the Session Judges, subordinate Judges, and Principal Sudder Ameens, to communicate directly with the District Officers of Police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them charged with crimes and misdemeanors, Section 55, Regulation XI. 1816, notwithstanding.

XLIII. And it is hereby enacted, that except as provided in Section 47, of this Act, Europeans and Americans charged with offences not punishable by the Magistrate, committed within the local jurisdiction of a Principal Sudder Ameen, shall be sent for trial to the Session Judge, who shall proceed thereon in conformity with the rules applicable to his own Court, or to Courts constituted according to Regulation II. of 1827, as the case may require.

XLIV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it expedient

to establish the Zillah Court, and the Court or Courts under subordinate Judges, or Principal Sudder Ameens, at separate stations, it shall be competent to the said Governor in Council, by an order in Council, to authorize the Session Judge to take cognizance of all Criminal cases subject ordinarily to the jurisdiction of the subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or Officers of Police of such Talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Civil and Session Judge to exercise the Civil and Criminal Jurisdiction assigned to such Courts, besides the proper Civil and Criminal Jurisdiction of the Zillah Court, and to take cognizance immediately of Criminal cases, within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magistracy.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such Zillah a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorize the Sudder Ameen to receive and dispose of Civil Suits arising in the portion of the Zillah over which jurisdiction shall be assigned to him, without the intervention of the Zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations; and also to receive and dispose of Criminal cases sent to him by the Police and Magistracy of the Division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in Section 7, Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise within the jurisdiction assigned to him all the powers of a Criminal Court constituted according to Regulation II. of 1827, and also all the powers of a Joint Magistrate.

XLVIII. And it is hereby enacted, that when the subordinate

Criminal Court at the station of a Zillah Court is constituted according to Regulation VIII. of 1827, the Zillah jail shall be under the charge of the Session Judge.

XLIX. Repealed by Act VIII. 1856.

L. And it is hereby enacted, that the subordinate Officers and Vakeels, who shall be appointed to the Zillah Courts established under this Act, shall be subject to the same rules as are applicable to the subordinate Officers and Vakeels of the Povincial Courts of Appeal.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what Law Officers shall be appointed to the Zillah Courts established under this Act, and shall order the manner of their appointment, and such Officers shall be subject to the same rules as the Law Officers of the Provincial Courts of Appeal.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to any Zillah Court, to whom the Judge shall have authority to refer any Appeals which may be depending before him, excepting Appeals from the subordinate Courts constituted according to Regulation I. or Regulation VII. of 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an order in Council, to authorize the Governor in Council of Fort St. George at any time to change the stations of Zillah Courts and the limits of their local jurisdiction, and to abolish any of the Zillah Courts which shall be first established under this Act, and to establish new Zillah Courts in any parts of the Presidency of Fort St. George.

LIV. First.—And whereas it is deemed expedient to extend the powers vested in Magistrates by Regulation IX. of 1816.

It is hereby enacted, that the Magistrates be authorized to exercise the powers vested in Criminal Judges by Section 7, Regulation X. of 1816, concurrently with the subordinate Criminal Courts.

Second.—Provided that in all cases in which Magistrates shall exercise the additional powers here by vested in them, the form of procedure shall be the same as is required to be observed in the subordinate Criminal Courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a Magistrate shall exercise such additional powers an Appeal from his sentence or order may be preferred to the Session Judge within one month, and it shall be competent to the Session Judge upon such an Appeal to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the Magistrate.

LVI. And it is hereby enacted, that all Criminal cases which may be depending at the time of the abolition of the Zillah and Provincial Courts, shall be disposed of by the Courts acquiring jurisdiction over the same in virtue of this Act.—Provided, however, that prisoners who may have been committed for trial by the Session Judge in his former Office of Criminal Judge, or Joint Criminal Judge, and who may object to be tried by that Officer, shall be tried by the Session Judge of another Court, or by the Special Commissioner of the Division, or by an Officer specially appointed by Government.

PROVINCIAL COURTS OF APPEAL.

ACT No. VIII. OF 1843.

[*Passed on the 28th April*, 1843.

An Act for disposing of the original suits and appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

An Act of temporary operation, and supplemental to Act No. VII.

BANK OF MADRAS.

ACT No. IX. OF 1843.

[*Passed on the 14th June*, 1843.

1. *Incorporates, by the name of the Bank of Madras, the persons named in Schedule, upon certain contingencies.*

2. *Shares which have lapsed, by reason of non-payment of subscription, shall be tendered to specified applicants, and if not taken by such, shall be at disposal of General Meeting of Proprietors.*

3. *Capital Stock of the Bank to be thirty lakhs of rupees, whereof three to be the property of the Governor General in Council of Madras, and the rest of the persons who are scheduled as proprietors.*

4. *Governor General of India in Council may authorise the Capital to be increased, and make order for opening subscription, and for disposal of new stock &c.*

5. *The Capital Stock to be divided into shares of* 1000 *rupees each, and numbered accordingly, and shares from* 1 *to* 300 *to be the property of the Governor in council. If Stock is increased, it shall be divided in similar manner. No Share to be less than* 1000 *rupees.*

6. *On* 1*st of July,* 1843, *if subscriptions are paid up, the Governor in Council shall notify the incorporation of the Bank, and that it is open. Bank may sue and be sued by its corporate name, use a common Seal, acquire and hold any description of property.*

7. *The business of the present Government Bank shall cease, &c. on the opening of the Bank of Madras.*

8. *Relates to the winding up of the affairs of the Government Bank.*

9. *Proprietors to have a Certificate of their shares, signed by three Directors: each proprietor may have Certificate either for each share singly, or for all the shares held by him, or several Certificates.*

10. *No Proprietor to hold more than* 50,000 *rupees in the Capital of the Bank, except on occasion of an increase in the Capital stock under Section* 4, *&c. and except any addition to his interest arising from Succession, Bequest or Marriage.*

11. *Shares in the Capital Stock to be personal property, and transferable by endorsement on Certificate under the hand of the Proprietor, &c.; but such endorsement not to be effectual until registered*

12. *The Corporate body shall consist of the Registered Proprietors of Shares, for the time being.*

13 14 *and* 15. *The business of the Bank to be managed by nine Directors, of whom three shall be appointed by the Governor in Council, the rest at a General Meeting of Proprietors; (*14.*) the six, to be elected from among the holders of six shares in the Capital Stock, by the Shareholders in person or by proxy, and two to go out each year, those having the fewest votes first, and so on, and (*15.*) a new election to be made on the second Monday in December: out-going Directors not to be re-elected at the next election.*

16. *In case of the death, resignation, absence from Madras for more than three months, or disqualification of any elected Director, a General Meeting to be called to elect a successor.*

17. *No person to be elected a Director who has not in his own right six unincumbered Shares, or who is a Director of any other Bank in Madras issuing Notes payable on demand.*

18. *At General Meetings, every election, &c. to be decided by a majority of votes, and no person to vote in respect of any share acquired by transfer, &c. or otherwise than by Act of Law, unless transfer completed six months previously.*

19. *Proprietors to vote according to specified scale: no Proprietor to have more than four votes.*

20. *The holder of Government proxy to have four votes, except at election of Directors.*

21. *Proprietors may give either general or special proxy to a Proprietor, who may vote according to the tenor of the proxy.*

22. *Directors to choose a President, &c. in whose absence the Senior Director shall be V. P.—President and V. P., in case of equality of votes, to have casting vote.*

23. *Three Directors necessary to form a Board. Directors to establish a rotation among themselves so that not less than three may attend weekly.*

24. *All accounts of the Bank and all instruments not under seal, &c. except Cash Notes, shall be signed by three Directors. Seal not to be affixed except in presence of three Directors, who shall sign, &c.*

25. *Directors may appoint Officers, but expense of establishment not to exceed* 50,000 *Rupees.*

26. *No person holding the office of Secretary, &c. shall engage in other Commercial business, &c. and such Officers shall give Security in* 50,000 *Rupees.*

27. *Bank shall not be engaged in any kind of business, except the eight kinds in this Section specified.*

28. *Directors not to discount any Negotiable Security, or make Loan, unless it has Cash equal to one-fourth of all claim against it payable on demand.*

29. *Directors not to discount Negotiable Securities having more than three months to run, nor lend for more than three months, or advance on Bank Shares or Mortgage, nor on Security of Lands, &c. nor on Security which does not carry on it the responsibility of at least two individuals or firms unconnected in general Partnership, nor in any other manner (saving by deposit of Government Securities or Goods not perishable) beyond three Lakhs of Rupees: advances upon Government Bills or obligations not to be within this restriction.*

30. *No Loan, other than the above, to be made except on deposit of public Securities, indorsed to the Bank, or Goods not perishable and exceeding in value by one-fourth the amount of the Loan.*

31. *Bank not to advance to Government more than* 7½ *Lacks. But the holding of Government Securities, &c. not to be construed as an advance within the meaning of this Clause.*

32. *No person keeping Cash with the Bank to be allowed to overdraw his account.*

33. *Bank may issue notes payable on demand, or not exceeding* 30 *days after sight, which may be signed by such person as the Directors may appoint. The amount of such notes not to exceed one Crore of Rupees, and no note to be for less than ten Rupees.*

34. *Not lawful for the Bank to make any note, &c. for the payment of money elsewhere than within the limits of India.*

35. *Bank may receive in deposit Goods not of a perishable kind, and contract for their safe keeping.*

36. *Books of the Bank to be balanced on the* 30*th June and* 31*st December, and a Statement of the Balance, signed by a majority of the Directors, to be sent to one of the Secretaries of the Government; and Bank to give further information, and to produce documents, &c. if required by the Governor in Council.*

37. *An account of the profits of the Bank shall be taken half yearly on the*

1st January and 1st July, and a dividend, amount to be determined by the Directors, made on the ground of actual profits. Directors may set apart not more than 5 per cent. on the Capital Stock as a reserve against Contingencies.

28. *First Monday in March every year, a Statement of the affairs of the Bank to be submitted to General Meeting of Proprietors, &c.*

39. *Any three Directors, or any ten Proprietors may convene General Meeting of Proprietors, upon giving 15 days' previous notice, &c.*

40. *Bank, with sanction of Governor in Council, and approbation of Court of Directors, may establish Branch Banks, &c. which shall be subject to same rules and restrictions, &c. as the Bank established by this Act.*

41. *Dividends of Proprietors indebted to the Bank may be applied in payment of debt to the Bank. After demand of payment and default, Bank may refuse to register any transfer of Share of such Proprietor, and sell the Share after six months' notice.*

42. *Bank to continue till 1st July, 1850, and thereafter until duly dissolved, &c. But not to be dissolved, &c. until after 12 months' notice. If Bank suspend Cash payments, the benefits given by this Act shall be forfeited.*

For the incorporation of a Bank at Madras.

Whereas the Hon'ble Court of Directors of the East India Company by and with the approbation of the Board of Commissioners for the Affairs of India, has directed the abolition of the present Government Bank at Madras, and in lieu thereof has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass An Act of Incorporation for the same:

I. It is therefore hereby enacted, that from the first day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company, having paid into the Government Treasury the amount of Capital Stock subscribed by them respectively and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George, shall, together with the Governor in Council for the time being of the Presidency of Madras, be a corporation Body Corporate and Politic by name of the Bank of Madras, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful for the Governor General of India in Council at any time before the 1st of September next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the Shares to which such names are attached were claimable and might be taken by the persons who having made applications for Shares which were received after the prescribed amount of Capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the shares which shall have so lapsed having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day of May last past. And in the event of there having remained any unpaid Shares after the parties whose names had been so registered had thus had the option of completing the payments due on such shares, then such remaining unpaid shares are declared to have been at the disposal of a General Meeting of the Proprietors convened for that purpose. And it is hereby enacted, that the persons who shall have become the Proprietors of the lapsed Shares in the manner above provided, or under an appropriation made at such General Meeting of Proprietors, by payment of the amount subscribed, shall be considered to belong, and shall to all intents and purposes belong to the Corporation body corporate and Politic by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges, and immunities the same as the persons according to the Original Schedule who shall have paid up their subscriptions on or before the 1st day of May last past. And it is hereby declared and required that as soon after the promulgation of this Act, as may be practicable, the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the Proprietors of the Bank of Madras as incorporated under the provision s

of this Act, and that the same shall be transmitted to be republished in the official Gazette of Calcutta.

III. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be Thirty Lakhs of Rupees, whereof Three Lakhs shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or in any Schedule corrected in the manner provided for in the 1st Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the Official Gazette of that Presidency as required in Section 2 of this Act, shall be Proprietors of the shares of the said Capital Stock set against their names respectively.

IV. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of Subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of New Stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of New Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be divided into shares of one thousand rupees each, which shall be numbered accordingly, and three hundred of the said Shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the Proprietors who shall have paid up the same, and no separate interest or share in the Stock of the said Bank of less amount than 1,000 rupees shall be created, or held by any Proprietors, and if at any time the capital of the said Bank shall be increased, the new

Stock added thereto shall in like manner be divided into shares of 1,000 rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than 1,000 rupees.

VI. And it is hereby enacted, that on the said 1st day of July, 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the Official Gazette of that Presidency that the Bank of Madras being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said Bank shall and may sue and be sued by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras the business of the present Government Bank of Madras shall cease, and it shall proceed to wind up its affairs as soon as possible, and all cash Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras which shall pay them on being verified by such Officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any Notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a statement of the Notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all subscriptions on account of the Capital of this Bank will have been paid, as above provided, of the amount of Capital Stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the Sub-

scribers respectively shall be cancelled, and a Certificate, signed by three Directors of the Bank of Madras, shall be delivered to each proprietor, and any person who is a Proprietor of more than one share of the Capital Stock, may at his option demand a Certificate for each of his Shares, or one Certificate for all his shares, or several Certificates, each of which may be for any number of his Shares.

X. And it is hereby enacted, that no Proprietor shall be allowed to increase his Share in the Capital Stock of the said Bank beyond the amount of 50,000 Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank, under the authority of the Governor General in Council, in the manner prescribed in Section 4 of this Act, in which case any Proprietor holding Stock to the full amount of 50,000 Rupees, shall, notwithstanding, be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from Succession, Bequest, or Marriage.

XI. And it is hereby enacted, that the said Share or Shares of the Capital Stock of the said Bank shall be of the nature of personal Estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the Certificates thereof, respectively, under the hand of the Proprietor or Proprietors, or his or their Attorney duly authorized, which endorsement shall specify the name of the person or persons, to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such Share or Shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose, by the Directors of the said Bank.

XII. And it is hereby enacted, that the said Corporate body of the Bank of Madras shall consist and be composed of the Registered Proprietors for the time being of the said Shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said Banks shall be managed by nine Directors, of whom three shall be appointed and be removable by the Governor in Council of Ma-

dras, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removable by vote of the Majority of a General Meeting of the said Proprietors.

XIV. And it is hereby enacted, that the first Directors of the Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule of Proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section 2, of this Act, and who being entitled to not less than six shares or 6,000, rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of Proprietors may be entitled to Shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, and the Directors so appointed shall appoint officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section XIV. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December, in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, but no Directors going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon, though he shall be eligible for a future election.

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months, or disqualification under Section 17, or removal as aforesaid, of any Director elected as provided in Section 14, or to be elected by the Proprietors after the incorporation of the Bank of

Madras, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Director.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right unincumbered of six shares or six Thousand Rupees of the Capital Stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Suburbs of Madras.

XVIII. And it is hereby enacted, that at a General Meeting of the Proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any Share of the said Capital Stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale :--

The Proprietors of—

2 Shares shall be entitled to,...	...	1 Vote.
6	.. ..	2 „
12	...	3 „
25	...	4 „

a d no Proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Madras may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XXI. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her, or their Attorney duly authorized to any

other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote, on such matter or matters, as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first Meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the Senior Director shall be Vice President for the time being, and that such President or Vice President shall have the casting vote, in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXIV. And it is hereby enacted, that all Accounts of the said Bank, and all instruments not under seal whereby the said Bank can in any manner be bound, except the Cash Notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 50,000 Rupees, without previous authority, from the General Meeting of the Proprietors.

XXVI. And it is hereby enacted, that no person who shall hold

the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or Act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors, for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say :—

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of constituents of the Bank.

3d. Buying and Selling of Bills of Exchange payable in India.

4th. The lending of Money on short Loans.

5th. The Buying and Selling of Bullions.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for Loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no Loan unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a larger period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage or in any other manner on the Security of any Lands, Houses or immovable property, nor on any Negotiable Security of any Individual or Partnership Firm, which shall not carry on it the several responsibilities of at least two persons or

firms unconnected with each other in general partnership, nor be in advance at one and the same time, to any Individual or Partnership Firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities or Goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees. Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the Directors of the said Bank shall make no Loan other than such Loans as are described in the clause next preceding, except on deposit of Public Securities in the full amount of the Loan, and which Public Securities shall be so endorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on deposit of Goods not of a perishable nature, and of an estimated value exceeding the amount of the loan by at least one fourth.

XXXI. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees, provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government or of other Government Acceptances or Obligations derived to the said Bank from Individuals and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXXII. And it is hereby enacted, that the Directors of the said Bank of Madras shall not suffer any person or persons or body corporate keeping cash with the said Bank of Madras to overdraw his, her, or their account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue Promissory Notes payable either on demand, or at a debt not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf; provided always that the total amount of such Notes in circulation at any one time shall not exceed one Crore of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a Statement of the Balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXVII. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a Dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such Dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six Calendar months preceding the day up to which such half yearly Account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors be paid out of the Funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the Proprietors at the General Meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding Five per cent. on the capital stock of the Bank as a reserve against contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year, a General Meeting of the

Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank, made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank and on the Proprietors thereof until rescinded or modified respectively by any subsequent General Meeting.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank may at any time convene a General Meeting of the Proprietors, upon giving fiften days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public Advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the Annual General Meeting to be held in the month of March.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings. Provided, however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the Dividends on the share or shares of such Proprietor registered as his, or her own property,

and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such Dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her Constituted Agent, or by Public Advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his, or her lawful representative.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the said first day of July 1850, the said Bank shall not, except upon the application or by the consent of the Proprietor of the said Bank, be dissolved, or any wise modified without previous notice of twelve months at the least being given by the Governor General of India in Council, or by the Government of the Presidency of Fort Saint George to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also that in the event of the said Bank at any time suspending any Cash Payments the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Joseph Pugh,.....	Forty,	40	40,000
David Pugh, ...	Twenty,	20	20,000
John Utlay Ellis, ...	Twenty,	20	20,000
Joseph Goolden,..	Six,	6	6,000
John Pugh, ...	Six,	6	6,000
Major George Hutchinson, 24th Regt. Nat. Inf.	Twelve,	12	12,000
Surgeon Ramsay Sladen, ...	Twenty,	20	20,000
Peter John Phillipsz, ...	Twelve,	12	12,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Nathaniel Brindley Acworth,	Fifty,	50	50,000
John Line,	Twenty,	20	20,000
James Thomson,	Twenty,	20	20,000
Surgeon Robert Baikie, M. D.,	Ten,	10	10,000
Lieut.-Col. Frederick Larkins Doveton, 5th Regt. Lt. Cavalry,	Ten,	10	10,000
William Haylett,	Twenty,	20	20,000
James Cuddy,	Five,	5	5,000
James Scott,	Twenty,	20	20,000
John Binny Key,	Twenty,	20	20,000
William Scott Binny,	Ten,	10	10,000
Henry V. Conolly,	Ten,	10	10,000
Surgeon John Wylie, M. D.	Twelve	12	12,000
Donald Mackenzie,	Twenty,	20	20,000
William Liddell,	Ten,	10	10,000
Colin C. Dunhill,	Four,	4	4,000
Mathew Dunhill,	Four,	4	4,000
Mark Dunhill,	Four,	4	4,000
Revd. George William Mahon,	Twenty,	20	20,000
John Carnac Morris,	Fifty,	50	50,000
Major James Macdonald, 45th Regt. Nat. Inf.	Fifteen,	15	15,000
James Ouchterlony,	Forty,	40	40,000
Lieut.-Col. Alexander Tulloch, C. B.	Twenty-five	25	25,000
John Murray, M. D.	Ten,	10	10,000
Andrew Barrie,	Ten,	10	10,000
Edmund Marsden,	One,	1	1,000
Chocapah Chetty,	Four,	4	4,000
Surgeon George Harding,	Twenty,	20	20,000
John Dent,	Ten,	10	10,000
Robert Grant,	Forty	40	40,000
Claud Currie,	Twenty,	20	20,000
Surgeon James Smith,	Five,	5	5,000
George Gahan,	Twenty,	20	20,000
Thomas Kennedy MacFadzen,	Ten,	10	10,000
Eleazar Seth Sam,	Six,	6	6,000
Andrew Seth Sam,	Sixteen,	16	16,000
Varden Seth Sam,	Six,	6	6,000
Alexander Maclean,	Fifteen,	15	15,000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry,	One,	1	1,000
Robert Clerk,	Fifteen,	15	15,000
William Hamilton Hart,	Twelve,	12	12,000
James Webster,	Ten,	10	10,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
William Scott, ...	Five,	5	5,000
John Scott, ...	Five,	5	5,000
Peter Bell, ...	Five,	5	5,000
Thomas Arthur Chamier, ...	Twelve,	12	12,000
Michael Mc Dowell,..	Twelve,	12	12,000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry, ...	Five,	5	5,000
Captain James Victor Hughes, 39th Regiment Native Infantry, ...	Seven,	7	7,000
Edward Penton Thompson, ...	Thirty-five,	35	35,000
G. P. Thompson, ...	Thirty-five,	35	35,000
Archibald Francis Arbuthnot, ...	Twelve,	12	12,000
William McTaggart, ...	Twelve,	12	12,000
Alexander Mackenzie, ...	Twelve,	12	12,000
James Liddell, ...	Ten,	10	10,000
Major-General Robert Brice Fearon, C. B.....	Six,	6	6,000
Joseph Bainbridge, ...	Forty,	40	40,000
R. P. Wheeler, ...	Five,	5	5,000
William Wheeler, ...	Five,	5	5,000
Lieut. Herbert William Wood, 4th Regiment Native Infantry,..	Ten,	10	10,000
Charles William Eton, ...	Twelve,	12	12,000
Robert Stephenson, ...	Five,	5	5,000
Peter Carstairs,..	Five,	5	5,000
The Hon'ble John Sullivan, ...	Forty,	40	40,000
Colla Vencatachella Chetty, ...	Twelve,	12	12,000
Alexander Inlis Cherry, ...	Twelve,	12	12,000
Alexander Fairlie Bruce, ...	Twenty,	20	20,000
Nicholas Barambeg, ...	One,	1	1,000
Captain James Smith, 1st No. V. Battalion,...	One,	1	1,000
Surgeon Thomas O'Neill, ...	Ten,	10	10,000
Lieut.-Col. Scudamore Winde Steel, ...	Twenty,	20	20,000
Lieut.-Col. John Ogilvie, ...	Five,	5	5,000
Robert Franck, ...	Five,	5	5,000
James Minchin, ...	Twenty,	20	20,000
Lieut.-Col. George Sandys, 3d Regt. Light Cavalry, ...	Twenty,	20	20,000
Henry Dickenson, ...	Twenty,	20	20,000
William Johnson,..	Twenty,	20	20,000
Ruthnal Veerasawmy Naidoo, ...	Four,	4	4,000
Thomas Parker Waller, ...	Twelve,	12	12,000
John Kickwick, ...	Four,	4	4,000
Charles Kennett, ...	One,	1	1,000
John Jordan, ...	Two,	2	2,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
The Right Honorable John Lord Elphinstone,..	Fifty,	50	50,000
Thomas Moore Lane, Surgeon, ...	Twelve,	12	12,000
Joseph Browning Pharoah, ...	Two,	2	2,000
John Goldingham, ...	Twenty,	20	20,000
Henry Fox, ...	Four,	4	4,000
William Miller,.....	Five,	5	5 000
Leander Miller, ...	Five,	5	5,000
Captain John Henry Cramer, 2d M. E. Regt. Light Infantry, ...	Five,	5	5,000
Francis Rencontre, ...	Four,	4	4,000
Walter Elliot, ...	Forty,	40	40,000
E. Brennen, ...	Twelve,	12	12,000
Wheeler Hood George Mason, ...	Four,	4	4,000
Montague Robert Taynton, ...	Four,	4	4,000
Theodore Rencontre, ...	Two,	2	2,000
George Gilbert Richardson, ...	Ten,	10	10,000
Malcolm Lewin, ...	Fifty,	50	50,000
James William Burnside, ...	Two,	2	2,000
John D'Vaz, ...	Two,	2	2,000
Coopala Ramanjaloo Naidoo, ...	Five,	5	5,000
Kenneth Macaulay, ...	Fifteen,	15	15,000
George Monro Aiskell Storey, ...	One,	1	1,000
James Lacey Dighton, ...	Twenty,	20	20,000
Lieut.Col. PeterEdmondstone Craigie, H.M'.s 55th.	Twenty,	20	20,000
Lieut. Stafford Vardon, Engineers, ...	Five,	5	5,000
Antoine Francois De Colons, ...	Ten,	10	10,000
Surgeon Archibald Shanks, M. D.	Fifteen,	15	15,000
Mrs. K. Chambers, ...	Ten,	10	10,000
William Done Davis, ...	Thirty,	30	30,000
Captain John James McMurdo,45th Regiment Native Infantry, ...	Two,	2	2,000
Captain Walter William Ross, 17th Regiment Native Infantry, ...	Fifteen,	15	15,000
Captain John Thomas Smith, Engineers, ...	Five,	5	5,000
Apothecary Henry Eason, ...	One,	1	1,000
Lieut.-Col. Robert Alexander, ...	Five,	5	5,000
Lieut. Col. George E. Jones, K H., H. M.'s 57th Regiment, ...	Thirty,	30	30,000
Robert Dean Parker, ...	Five,	5	5,000
Reverend M. Bowie, ...	Four,	4	4,000
Lieut.-Col. Joseph Legget, 3d Regt. Light Infantry, ...	Five,	5	5,000
Sir Henry C. Montgomery, Bart.	Ten,	10	10,000
Captain Charles Edward Faber, Engineers, ...	Four,	4	4,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Noothalapauty Boohacarloo Naick,...	Five,	5	5,000
Captain George Augustus Underwood, Engineers, ...	Twenty,	20	20,000
George Bird, ...	Eight,	8	8,000
Thomas William Nailer, ...	Ten,	10	10,000
Lieut.-Col. John Hill Winbolt, 2d Regiment Native Infantry, ...	Ten,	10	10,000
John Horsley, ...	Five,	5	5,000
Captain James FitzGerald, 42d Regt. Native Infantry, ...	Three,	3	3,000
Assistant Surgeon William Rose, ...	Four,	4	4,000
Major Duncan Montgomerie, 7th Regt. Lt. Cav.	Five,	5	5,000
Stewart Forbes, ...	Five,	5	5,000
Henry Kennett, ...	Five,	5	5,000
Major John Ward, 39th Regt. Native Infantry,	Two,	2	2,000
Captain Archibald Douglas, 49th Native Infantry,	Twenty-five	25	25,000
F. E. A. Chamier, ...	Five,	5	5,000
Frederick Mortimer Lewin, ...	Ten	10	10,000
Captain George Logan, 41st Regt. Native Inf..	Five,	5	5,000
Captain Augustus De Butts, Engineers, ...	Two,	2	2,000
Captain Richard Budd, 32d Regt. Native Inf.	Ten,	10	10,000
John Trebeck Conran, Surgeon, ...	Five,	5	5,000
Captain Daniel Duff, 37th Regt. Native Inf., ..	Five,	5	5,000
Major William Taylor, 39th Regt. Native Inf.	Ten,	10	10,000
Lieut.-Col. James Perry, 31st Regt. Light Inf.	Five,	5	5,000
Capt. Archibald Woodburn, 40th Regt. Nat. Inf.	Five,	5	5,000
Captain Francis Gresley, H. H. Nizam's Army,	Five,	5	5,000
Major Alexander Lawe, Engineers, ...	Five,	5	5,000
The Venerable Henry Harper, A. M. Archdeacon	Five	5	5,000
John Charles Starkenburgh, ...	One,	1	1,000
Robert Orr Campbell, ...	Four,	4	4,000
Lieut.-Col John James Underwood, Engineers,	Ten,	10	10,000
C. C. Vencatachellum Moodelly, ...	Two,	2	2,000
C. Colenda Moodelly, ...	One,	1	1,000
Stewart Johnson Young, ...	Four,	4	4,000
John Frederick Jennings, Veterinary Surgeon,..	Five,	5	5,000
Major General Francis Whish Wilson,.....	Twenty-five	25	25,000
Major Edward Archdale McCurdy, 27th Regt. Native Infantry, ...	Ten,	10	10,000
Assistant Surgeon James Supple, ...	Ten,	10	10,000
Henry Martin Blair, ...	Ten,	10	10,000
Assistant Surgeon James Eaton, M, D. ..	Twelve,	12	12,000
Thomas W. Goodwyn, ...	Ten,	10	10,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th	Five,	5	5,000
T. Soolochenum Moodelly, ...	Twenty,	20	20,000
Joseph Roberts, ...	Twelve,	12	12,000
Brigadier James Wahab, C. B., ...	Ten,	10	10,000
Mrs. Gertrude E. Williams, ...	Ten,	10	10,000
Surgeon John Brown, M. D., ...	Five,	5	5,000
Thomas Turner, ...	Ten,	10	10,000
David Rous Limond, ...	Ten,	10	10,000
George S. Britain, ...	Twenty-five	25	25,000
Richard Taylor, ...	Fifteen,	15	15,000
Conoor Arnachellum, ...	Seven,	7	7,000
William Bensley Anderson, ...	Ten,	10	10,000
Dr. Alexander Smith, of Bengal, ...	Forty,	40	40,000
Major Westrop Watkins, 36th Regt, Nat. Inf...	Ten,	10	10,000
William Anderson, ...	Eight,	8	8,000
Colonel William Cullen, ...	Twenty,	20	20,000
John Rosmal Cocy, ...	Six,	6	6,000
Captain Thomas Larkins, ...	Forty,	40	40,000
George James Casamajor, ...	Thirty,	30	30,000
Patrick Grant, ...	Twenty,	20	20,000
Surgeon Cornelius Desormeuæ, ...	Two,	2	2,000
Captain John Charles Hawes, 1st M. E. Regt., .	Twenty,	20	20,000
Captain George Leacock, 51st Regt. Nat. Inf. .	Six,	6	6,000
Gundavady Vencataram Chetty, ...	One,	1	1,000
Rungamah, ...	One,	1	1,000
Major John Wynch, Artillery, ...	Five,	5	5,000
Lieutenant John Ouchterlony, Engineers, ...	Four,	4	4,000
Vurdarajooloo Naicker, ...	Two,	2	2,000
Edward Samuel Atkinson, ...	Ten,	10	10,000
Miss Charlotte Eliza Anne Gardner, ...	Five,	5	5,000
Miss Martha Mary Louisa Gardner, ...	Five,	5	5,000
Henry James Gardner, ...	Five,	5	5,000
Captain C. J. Westley, Bombay Army, ...	Ten,	10	10,000
Andrew Robertson, ...	Twenty,	20	20,000
Edward Peters, ...	Twelve,	12	12,000
Lieut. Col. Charles Dennis Dun, 44th Regt. N. I.	Fifteen,	15	15,000
William Elphinstone Underwood, ...	Fifteen,	15	15,000
William Waddell, ...	Twenty,	20	20,000
Edward Vincent, ...	Two,	2	2,000
Mrs. Hosanna Arathoon Kerakoose, ...	Fifty,	50	50,000
Nathaniel William Kindersley, ...	Ten,	10	10,000
Captain William Henry Simpson, 36th Nat. Inf.	Seven,	7	7,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Joseph Barrow,	Fifteen,	15	15,000
Benjamin Cardozo,	Five,	5	5,000
Felix Phillips,	Five,	5	5,000
Hew Drummond Elphinstone Dalrymple,	Twenty,	20	20,000
Narrain Doss Gopaul Doss,	Twelve,	12	12,000
Jevaram Davy,	Four,	4	4,000
Captain James Palmer Woodward, 9th Regt. N.I.	Five,	5	5,000
Gurderdoss Gobindoss,	Twelve,	12	12,000
P. Dasekah Charloo,	Two,	2	2,000
Vembaukum Nursingiah, Braminy,	Two,	2	2,000
Vembaukum Ragavah Charrier,	Two,	2	2,000
Major Frederick Minchin, 47th Regt. Nat. Inf.	Twenty,	20	20,000
A. Venoatachellum Chetty,	Four,	4	4,000
Girdirdoss Vallabadoss,	Twelve,	12	12,000
William Patten,	Two,	2	2,000
Miss Maria Patten,	One,	1	1,000
Miss Catherine Patten,	One,	1	1,000
Miss Louisa Patten,	One,	1	1,000
Col. Charles Augustus Elderton, 52d Regt. Nat. Inf.	Ten,	10	10,000
Capt. John Henry Bawden Cougden, 2d Regt. N. I.	Five,	5	5,000
J. Holland, Dy. Qr. Master Gen. Bombay Army	Ten,	10	10,000
Lieut. Col. Wm. Martin Burton, Artillery,	Five,	5	5,000
Captain Alexander Shirriffs, 21st Regt. N. I.	Five,	5	5,000
Captain Peter Thomas Cherry, 1st Regt. Lt. Cavalry,	Five,	5	5,000
Col. Thomas Fiddes,	Seven,	7	7,000
			27,00,000

MADRAS.—JUDICIARY.

ACT No. X. OF 1843.

[*Passed on the 15th July*, 1843.

1. *Administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of Kurnool and Bunganapilly vested in an Agent to be appointed by Government of Fort St. George with assistants similarly appointed.*

2. *Government of Fort St. George may prescribe rules for guidance of Agent and his subordinates, and may fix the limit of final Civil jurisdicton and of Appeal: and may defer authority of Agent in Criminal trials, and what cases shall be submitted to Foujdaree Udalut.*

3. *On trials referred, Foujdaree Udalut shall pass judgment or pass orders as in cases referred from a Judge of Circuit.*

4. *Civil Appeals to be decided by Sudder Udalut as Appeals from Provincial Courts.*

5. *Government of Fort St. George competent with the previous sanction of the Supreme Government, to make alteration in the limits of the jurisdiction of the Agent.*

An Act for the administration of Justice and collection of the Revenue in the Districts of Kurnool and Bunganapilly.

Repealed as respects Bunganapilly by Act XXV. 1848, and as respects Kurnool by Act, XXIII. 1858.

BOMBAY.—HEREDITARY OFFICES.

ACT No. XI. OF 1843.

[*Passed on the 22nd July*, 1843.

1. *Rescinds Sections* 17 *and* 18, *Regulation* 16, 1827.

2. *All Hereditary Officers in the Departments of Land Revenue, Customs, Town Duties, Excise, &c. shall render their services as required by the Collector, &c.*

3. *When the Duties of Hereditary Officers fall in more than one department the Governor in Council may prescribe what Officer shall control such Office.*

4. *If Hereditary Office is claimed in rotation, the Collector to whom the services are rendered may require the Sharers to nominate from among themselves a fit person to hold the Office as the representative of the family, &c. or in default the Collector may select one.*

5. *Collector may refuse to confirm nomination by the Sharers, if by reason of age, &c. he thinks the nominee unworthy of the trust, &c. subject to an Appeal to the Governor in Council.*

6. 7. and 8. *Collector, &c. may punish officiating Hereditary Officer for misconduct, &c. by suspension, &c. by fine, &c.; or* (7) *by dismissal, under sanction of Governor in Council and* (8.) *on the investigation previous to dismissal, the Collector, &c. shall have same power as a Magistrate in compelling the attendance of witnesses, &c.*

9. *If Hereditary Officer is convicted of fraud, &c. by Sessions Court, the Governor in Council may direct the confiscation of the wuttun, wholly or in part, &c. and appoint person to perform the duties, and direct how proceeds of the wuttun shall be applied.*

10. *No female to perform in person the duties of the office.*

11. *If Hereditary Officer is incapable of personally discharging the duties of the office, &c. by reason of sex, &c the Collector, &c. shall require his guardian to appoint a Deputy, &c.*

12. *Deputies under this Act, &c. shall be subject to same rules and penalties, &c. as Principals, &c.*

13. *Saves the rights of Shares, to the rents and profits, after provision has been made for the fit maintenance of the Hereditary Officer, &c.*

14. *Whenever Collector appoints Deputy, he may assign him a remuneration.*

15. *The terms Hereditary District or Village Office or Officers, or Hereditary District or Village Revenue Officer, &c. to apply to all descriptions of Hereditary Officers.*

An Act for regulating the service of Hereditary Officers under the Presidency of Bombay.

Preamble.—Whereas it has been found that the Provisions of Regulation XVI. 1827, of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers.

I. It is hereby enacted, that Sections 17 and 18 of Regulation XVI. of 1827, of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to, or employed in the management of the Land Revenue or of the Customs or Town Duties, or Excise, or other Revenue, or in the Police, or in the Civil administration of the country, shall render the usual services of their respective Officers, as far as the same may be required by the Collector or other Officer under whose control they may be placed by usage or the orders of Government.

III. And it is hereby enacted, that when the duties of an Hereditary Office fall in more than one Department, it shall be competent to the Governor in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of an Hereditary Office are, as provided in Clause 2, to be rendered, when the performance of those duties is claimed in rotation by different shares, to require that the shares in the wuttun shall nominate a fit and proper person from among their number, who shall hold the Office as the representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or Controlling Officer shall determine, with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required, one or more of their number within a reasonable period to be fixed by the Collector or Controlling Officer, the

Collector or Controlling Officer, shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the Collector or Controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that, from age or personal disqualification, the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust; provided that the grounds of such refusal shall be recorded in writing, and that an appeal from such dicision shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the Collector or Controlling Officer shall have power to punish Officiating Hereditary Officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorised for realizing revenue demands.

VII. And it is hereby further enacted, that the Collector or Controlling Officer, in cases of misconduct or incompetency on the part of an Officiating Hereditary Officer, shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding section, the Collector or Controlling Officer shall have the same authority as a Magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any Criminal offence in the conduct of the duties of the office by any Sessions Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation, the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto or otherwise in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

XI. And it is hereby enacted, that if any Hereditary Officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or Controlling Officer to call upon him or her, or his or her Guardians, to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy, within a reasonable period, the appointment shall be made by the said Collector or Cotnrolling Officer.

XII. And it is hereby enacted, that all Deputies appointed to perform the duties of Hereditary Offices under this Act, and under Section 4, Regulation V. 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner as it would be under the 9th Section of this Act upon the convicton of the Hereditary Officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the Officiating Hereditary Officer, for which purpose it shall be competent to the Collector or Controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers,—and further that portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the Officiating Hereditary Officer, and shall not be liable to Civil process of any Court of Law.

XIV. And it is hereby enacted, that whenever it may be necessary, as hereinbefore provided, that the Collector or Controlling Officer shall appoint a Deputy to conduct the duties of an Hereditary Office, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said office.

XV. And it is hereby enacted, that the terms "Hereditary District or Village Office or Officers," "or Hereditary District or Village Revenue Office or Officers," used in Regulation XVI. 1827,

and Regulation V. 1833 of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

JUDICIAL LANGUAGE.

ACT No. XII. OF 1843.

[*Passed on the 29th July*, 1843.

1. *In Decrees of Sudder Court, &c. the points to be decided, in the decisions, and reason thereof, injunctions for revision of Decrees, and orders for review of judgment, shall be written in English and signed by the Judges and afterwards translated into the vernacular language, &c.*

2. *Saves the operation of Regulations of Madras and Bombay Codes requiring specified Decrees to be written in English, &c.*

3. *Decrees, &c. of Principal Sudder Ameens, Sudder Ameens, or Moonsiffs shall be written in the vernacular language of such Principal Sudder and Sudder Ameen and Moonsiff, and (as the case may be) translated into the vernacular language of the Court.*

Extended by Act XV. 1850 to Moonsiffs, and extended by Act XXXIII of 1854 to the decisions, sentences, and final orders of all officers acting judicially, and further provisions made.

An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of Courts of justice and the reasons for the decision should be written and signed by the Judge, at the time of pronouncing his decision, and in the vernacular language of the Judge;—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular suits, and all orders for Revision of judgment, which shall be passed by the Judges of the Sudder Courts, or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs shall be written originally in English and signed by the Judge or Judges at the time of pronouncing such decision and orders, and shall be translated into the vernacular language commonly used in the Court wherein the suit to which the decree or Order relates, shall have been instituted; and the translation shall be incorporated in the Decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of Fort St. George, by which the Decrees of the Provincial and Zillah Courts and the Auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

And whereas it is expedient that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are hereinbefore provided for the guidance of the Superior Judges.

III. It is hereby enacted, that in all the Presidencies so much of all decrees as consists of the points to be decided, and the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens, or Moonsiffs shall be written originally in the Vernacular language of such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, at the time of pronouncing such decision and, (in case such Vernacular language shall not be the same as the Vernacular language commonly used in the Court wherein the suit to which the decree relates shall have been instituted) shall be translated into such last mentioned Vernacular language, and the translation shall be incorporated in the decree.

MADRAS.—PUBLIC OFFICERS.

ACT No. XIII. OF 1843.

[*Passed on the 29th July*, 1843.

1. *Repeals Regulations* 2, 1809; 2, 1810; 6, 1818, *and* 8, 1822.

2. *In case of imputation of official misconduct of an Officer subject to Sudr and Foujdaree Adalut or Board of Revenue, and not removable without sanction of Government, such Courts or Board may submit documents &c. and charges, to the Governor in Council, for his consideration.*

3. *Charge or information may be made direct to the said Courts and Board, which may examine complainant on oath, &c. and require the accused to explain or reply, &c.*

4. *Charge, &c. may also be made before Judge, Magistrate or Collector, who shall examine complainant on oath, &c. and transmit deposition to the said Courts or Board respectively, &c.*

5 *The said Courts or Boards shall not act upon such charge, &c. unless the complainant makes oath, &c. that he believes it to be true.*

6. *The said Courts or Board may dismiss such charge, &c. when they do not see substantial reason for making further inquiry: but shall also submit the same to the Governor in Council, as provided in Section 2.*

7 *The said Courts and Board may require from the person preferring the charge, &c. security for its prosecution, and may stay proceedings until such security shall be given.*

8. *The said Courts and Board may act in any matter of the kind mentioned in the second Section which shall appear in the course of any proceedings or otherwise before them respectively, or institute inquiry upon oath, &c. for the purpose of such reference to the Governor in Council.*

9. *The Governor in Council, may appoint a Commissioner to make formal inquiry, if upon such reference, &c. he deem it necessary to institute proceedings against the Officer.*

10. *The Governor in Council, upon appointment of Commission, shall direct whether it shall be under the control of the said Courts and Board or of Government.*

11. *The Commissioners shall take an oath. Form of oath.*

12. *The Governor in Council shall determine whether the prosecution shall be left to the accuser or be undertaken on the part of Government, and if the latter, shall nominate persons to conduct the prosecution.*

13. *Commissioners, after receiving plaint, &c. shall call on accused for his reply, examine witnesses, receive documentary proofs and call for further evidence, &c.*

14. *Commission shall have the same powers as Zillah Courts, except that process, &c. shall be served and executed by the Zillah Judge.*

15. *At the close of the evidence, the accused and accuser may record observations in defence and support of prosecution respectively.*

16. *After their conclusion the Commissioner shall submit the proceedings, accompanied with translations of papers not in English, together with a summary of the pleadings and evidence and his opinion, to the Governor in Council or (as the case may be) to the Controlling Court or Board.*

17. *The Governor in Council or Controlling Court or Board may direct the Commissioner to take further evidence or to give further explanations of his opinion, &c.*

18. *The said Courts or Board shall submit proceedings, &c. received by them, to Government, together with their opinion.*

19. *Governor in Council shall determine whether the accused Officer shall be suspended, and if so, whether he shall draw his allowances or not.*

20. *The Governor in Council, on consideration of the report and proceedings submitted to him, will pass such decision as he may deem just, &c. and may*

direct public prosecution, &c. Proceedings under this Act not to affect the right of parties aggrieved to proceed against public Officer.

An Act for regulating inquiries into the truth of matters implicating the public conduct of officers not removable without the sanction of Government within the Presidency of Fort St. George, in Madras.

Repealed by Act XXXVII. 1850

NORTH-WESTERN PROVINCES.—INTERNAL CUSTOMS.

ACT No. XIV. OF 1843.

[*Passed on 5th August*, 1843.

1. *Repeals Regulation* 16, 1829, *Act II.* 1838, *part of Regulation* 9, 1810, *and other stated parts of other Regulations.*

2. *Fixes the Tariff of Customs upon the import and export of specified articles, viz. Salt, Cotton, Misree, Kund, Chenee, (Sugar,) Goor, Rab, Sheerah, and Saccharine Produce.*

3. *The Government may make orders for the collection of the duties, to take effect from being notified in the Gazette.*

4. *Prohibits the manufacture of alimentary Salt without the express sanction of Government. Persons engaging in such manufacture, or preparing, &c. works for such manufacture, without such sanction, &c. shall be fined* 500 *Rupees, and on non-payment, imprisoned not exceeding six months. Illicit Salt Works, &c. to be destroyed and Salt in store seized.*

5. *Collectors of Customs and Land Revenue, may destroy Salt Works, seize the Salt in store, and apprehend persons concerned in its manufacture and send them to Magistrate for trial.*

6. *Sugar imported into the North Western Provinces, and all articles imported or exported without payment of the duties, &c. and all Boats, &c. used in transporting the same, may be seized and confiscated in manner specified.*

7. *Persons evading, &c the payment of duties, or otherwise contravening this Act, may be fined not exceeding* 500 *Rupees, and on non-payment be imprisoned six months, &c.*

8. *Customs Officers may search Carriages, &c. upon reasonable grounds of suspicion that they contain prohibited articles, &c.*

9. *Officers making seizures shall report the same for the determination of the Commissioner of Revenue, who may declare articles seized to be confiscated, or impose lesser penalty.*

10. *Customs Officers may seize persons on reasonable grounds of suspicion that they are liable to punishment under this Act, and shall make them over for trial to the Magistrate.*

11. *Officers searching Carriages, &c. without reasonable grounds of suspicion,*

may be fined not exceeding 250 Rupees, and on non-payment be imprisoned not exceeding three months; and officers seizing persons without reasonable cause may be fined 500 Rupees, and on non-payment be imprisoned not exceeding six months.

12. *All Magistrates, &c. or persons exercising the powers of Magistrates may receive, &c. charges under this Act, sentences under which shall be open to appeal, &c.*

13. *Enjoins Officers of Police, &c. to aid in the execution of this Act.*

14. *This Act not to apply to the Saugor and Nerbudda Territories or the District of Ajmere*

Act XXXVI. 1855. An Act to empower Officers of Custom House and Land Revenue to search houses and other inclosed places for contraband Salt in the N. W. P., is supplementary to this Act.

An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties, or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:—

On the import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per Maund on the transmission thereof to the Eastward of Allahabad. [Repealed by Act XVI, 1848.]

On the Import of Cotton, uncleaned, four annas per Maund; cleaned, eight annas per Maund. [Repealed by Act XXXV, 1855.]

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight annas per Maund; Goor, Rab, Sheerah, and all unclayed and unrefined Saccharine produce, three annas per Maund.

The Import of Sugar into any part of the said Provinces, is and shall remain prohibited. [Repealed by Act XIX. 1854.]

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the Collection

of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published. [See Act XXXVI of 1855, for procedure]

IV. And it is further enacted, that from and after the First day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be perpared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall, on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated. [By Act XXXVI. 1855, s. 9, the purification or refinement of impure Salt, obtained in the manufacture of Saltpetre, &c. shall be deemed a manufacture of Salt.]

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of salt, and to seize the salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all sugar imported into the said provinces, and all articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this

Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Cus-

toms Department who shall, under color of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.

BENGAL AND N. W. PROVINCES.--UNCOVENANTED JUDICIAL AGENCY.

ACT No. XV, OF 1843.

[*Passed on the 5th August*, 1843.

1. 2. *and* 3. *Local Governments may appoint in any Zillah, &c. one or more uncovenanted Deputy Magistrates, who,* (2) *shall make a declaration according to Act XXI.* 1837, *and* (3) *may be employed as Judicial Officers, or of Police, or both. As a judicial officer he shall exercise powers of a covenanted Assistant or Magistrate, &c. subject as to appeals to same orders as covenanted Assistant, &c. or Magistrate, &c.*

4. *Saves the right of uncovenanted Revenue or Judicial Officer to hold other office than that of Deputy Magistrate.*

5. *Deputy Magistrate under this Act not to be dismissed for misconduct without sanction of Local Government. Local Magistrate may report to Local Government the case of Deputy Magistrate with a view to his suspension and dismissal.*

6. *No native, nor natural born subject, is by reason only of his religion, place of birth, descent or color, disabled from holding the office of Deputy Collector, &c.*

By Act IV. 1851, the G. of B. in C. is empowered to appoint Uncovenanted Deputy Magistrates.

Act X 1854 is an Act for regulating the powers of assistants to Magistrates and of Deputy Magistrates appointed under Act XV. 1843.

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public Service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency.

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797; IX. 1807; or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall

be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office, the Office of Deputy Magistrate.

IV. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is, by reason only of his religion, place of birth, descent, color, or any of them disabled from holding the office of Deputy Collector under Regulation IX. of 1833.

BENGAL.—POLICE.

ACT No. XVI. OF 1843.

[*Passed on the* 12*th August*, 1843.

Repeals Sections 2, 3, *Reg.* 9, 1808, *and Sections* 15 *and* 17, *Reg* 16, 1810.

An Act regarding the offering of rewards for the apprehension of offenders.

Whereas inconvenience has been experienced from the rules in force, which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of Old Courts of Circuit when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude. And whereas it is expedient that all such applications should be

made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards;

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections 16 and 17, Regulation XVII. 1810, of Bengal Code, be and the same are hereby repealed.

OFFICIAL TRUSTEES.

ACT No. XVII. OF 1843.

[*Passed on the 19th August*, 1843.

1. *In all cases in which property is subject to any trust, and there is no Trustee willing or capable to act, the Supreme Court, on petition, may appoint the Registrar or other Officer of the Court, as Official Trustee, in whom, when appointed, the property shall vest, &c.*

2. *Such Officer shall cause the property to be invested in Government Securities or otherwise as the Court may direct, and he shall be paid a commission of one per cent.*

3. *The Court may make orders respecting the property on petition, unless it directs a bill to be filed.*

4. *This Act not to prevent the re-transfer of the property to original Trustees, &c. as the Court shall direct.*

5. *Where Infant or Lunatic shall be entitled to Gift or Legacy, &c. the Executor, &c. may transfer the same to the Official Trustee, &c.*

6. *This Act, except as to the commission, shall extend to property of Infants or Lunatics in the hands of Ecclesiastical Registrar as Official Administrator.*

Extended by Act XIV. 1852 to the Straits Settlements. By Act VIII. of 1855, s. 15, Administrator General may be appointed Official Trustee.

An Act for the appointment of Official Trustees in certain cases.

Whereas the property of Infants, Feme Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal or incapacity to act.

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustees willing to Act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme

Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select, as the Official Trustee, under the provisions of this Act to be a Trustee of such property, and that upon such appointment such property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the re-transfer of the said Property to the original or any subsequently appointed Trustees or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferable, or the party by whom such Gift shall be made, or any Trustee thereof, to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like provisions as are contained in this Act, as to other Property vested in such Official Trustee under the provisions thereof.

VI. And it is hereby further enacted, that the provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

THUGGEE AND DACOITY.

ACT No. XVIII. OF 1843.

[*Passed on the 9th September*, 1843.

The Local Government may authorize the reception and detention for the period specified, of persons sentenced to imprisonment or transportation for Thuggee, Dacoity, &c. in the territories of any native prince, &c. if such sentence has been pronounced after trial before a tribunal in which a covenanted servant is one of the presiding Judges, &c.

An Act for the better custody of persons convicted of Thuggee and Dacoity.

Whereas it often happens that the offence of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories.

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a tribunal, in which a covenanted servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding judges. And it is hereby enacted, that every servant of the East India Company so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

REGISTRATION OF DEEDS.

ACT No. XIX. OF 1843.

[*Passed on the 28th October*, 1843.

1. *Repeals Act No.* 1, 1843, *except so far as it repeals provisions touching knowledge or notice of the existence of unregistered instruments, &c.*

2. *Deeds of sale or gift of real property, if registered, shall invalidate other deeds of sale or gift which have not been registered, &c. and registered deeds of mortgage, and certificates of discharge of incumbrance shall be satisfied in preference to any other, &c.*

3. *No conveyance, &c. affecting title to land other than such deed or certificate as aforesaid shall be void for want of registration.*

An Act for amending the law respecting the registration of certain Deeds.

Whereas doubts have risen as to the true meaning and construction of Act No. I. of 1843.

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or

notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same, whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation or Law to the contrary notwithstanding.

THE GOVERNOR GENERAL.

ACT No. XX. OF 1843.

[*Passed on the* 30*th October*, 1843.

1. *Governor General absent from Council may exercise all the powers except that of making Laws and Regulations which may be exercised by Governor General in Council.*

2. *Act to commence from notified day of Governor General having quitted Calcutta.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired

EMIGRATION.

ACT No. XXI. OF 1843.

[*Passed on the* 11*th November*, 1843.

1. Emigration to Mauritius after 1*st January*, 1844, *to take place only under Act No. XV*, 1842, *from Calcutta.*

2. Governor General in Council may nominate a Protector of Emigrants at Calcutta, and no Emigrant shall embark without a Certificate, &c. that he has been engaged as an Emigrant on the part of Government.

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the

Island of Mauritius for Agricultural labour will, by the end of this year, be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration; it is therefore enacted, that from and after the first day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. XV. of 1842, from the Port of Calcutta. [Repealed by Act IV. 1852]

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to Act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

BENGAL.—JURISDICTION OF ZILLAH COURTS.

ACT No. XXII. OF 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited part of Section 17, *Regulation* 3, 1793.

An Act for amending the Law relating to the jurisdicton of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by Section 17, of Regulation III. of 1793, of the Bengal Code, it was, amongst other things, provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced.

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience;

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

BENGAL.—JURISDICTION OF ZILLAH COURTS.

ACT No. XXIII. OF 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited parts of Section 12, *Regulation* 2, 1803, *and of Regulations extending the same.*

An Act for amending the Law relating to the jurisdiction of th Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.

Whereas by Section 12, of Regulation II. of 1803, of the Bengal Code, it was, amongst other things, provided, that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Honorable the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the Public Revenue.

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs.

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillah and Pergunnahs to which it may have been extended.

DACOITY.

ACT No. XXIV. OF 1843.

[*Passed on the* 18*th November*, 1843.

1. *Persons proved to have belonged to any gang of Dacoits, &c shall be transported for life, or imprisoned for any less term with hard labor.*

2. *Person accused of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of receiving, &c. property stolen, &c. by Dacoity, may be Committed and tried by any Court competent, &c.*

3. *On trial of offences specified in this Act no futwa shall be required.*

An Act for better prevention of the crime of Dacoity.

Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act, to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any Futwa from any Law Officer.

FOREIGN MANUFACTURES.

ACT No. XXV. OF 1843.

[*Passed on the 23rd November*, 1843.

Articles, &c. of Foreign Manufacture imported into the Territories of the E. I. Co. bearing names, brands, or marks purporting to be of manufacturers resident in the United Kingdom, shall be forfeited.

An Act for making the provisions of 5 and 6, Vic. C. 47, Sec. XI. applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the 5th and 6th years of the reign of Her Majesty Queen Victoria, entitled "An Act to amend the laws relating to the Customs," as provides "that from and after the 5th day of January 1843, any articles of Foreign Manufacture, and any packages of

such articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the Territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the First day of May 1844, any articles of Foreign Manufacture, and any packages of such articles imported into the Territories subject to the Government of the said Company, bearing any names, brands or marks, purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited.

MADRAS—NABOB OF THE CARNATIC.

ACT No. I. OF 1844.

[*Passed on the 20th January 1844.*

1. *The Governor in Council may publish lists of the names of persons belonging to the family, &c. of His Highness the Nabob of the Carnatic and Regent for the time being, who are exempted from Civil and Criminal process.*

2. *No writ or process shall be sued out or executed against the person or property of any person named in such list without the consent of the Governor in Council.*

3. *The Governor in Council to furnish copies of such list to the Governor General of India in Council, &c.*

4. *This Act not to be considered as explanatory or as enlarging or restricting the operation of any Treaty, and all privileges, &c. belonging to the Nabob, &c. under any Treaty to be enjoyed and held independently of this Act.*

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.

Continued by Act XXIV. 1838 to the family, &c. for 6 months after death of the Nabob; (who is since deceased,) and Act XXX. 1838 is for the administration of his estate; and Act XXXVII. 1858 relates to the privileges of his family.

APPEALS TO HER MAJESTY IN COUNCIL.

ACT No. II. OF 1844.

[*Passed on the 17th February*, 1844.

1 *In cases of Appeal to the Queen in Council from the Courts of Sudder Dewanny Adawlut, the expense of preparing two copies of all the proceedings and including the evidence and documents, and of translating the same, shall be defrayed by the appellants.*

2. *The said Courts to require a deposit by the appellant for such expense, and until deposit made, the Appeal not to be admitted.*

An Act respecting the expenses of preparing copies of Proceedings in Appeals.

Whereas it is just and necessary that the expense of preparing copies in the English Language of the proceedings in cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII of 1818, of the Madras Code, and Clause 6, Section 1000, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals.

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

Repealed by XVII of 1862

CORPORAL PUNISHMENTS.

ACT No. III. OF 1844.

[*Passed on the 2nd March*, 1844.

1. *and* 2. *Modifies clause* 1. *Section* 2, *Regulation* 2, 1834. *Magistrate may sentence to* 30 *stripes of a ratan, for thefts not exceeding in value* 50 *rupees: and* (2) *offenders of tender years, for same offences, to ten stripes with a light ratan.*

3. *No female to be subject to corporal punishment, and no other punishment to be superadded, and such punishment always to be inflicted in presence of Magistrate.*

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

Whereas it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences.

I. It is hereby enacted, in modification of C. I, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice.

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

BENGAL POLICE.

ACT NO. IV. OF 1844.

[*Passed on the 2nd March,* 1844.

Repeals Regulation 9, 1808.

An Act for repealing Regulation IX. of 1808, of the Bengal Code.

Whereas the provisions of Regulation IX. of 1808, of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete:

It is hereby enacted, that the said Regulation be repealed.

PRIVATE LOTTERIES.

ACT No. V. OF 1844.

[*Passed on the 2nd March,* 1844.

1. *Declares Lotteries not authorized by Government to be common and public nuisances.*

2. *Any person publicly or privately keeping any office, &c. for the purpose of drawing any such Lottery, &c. shall, on conviction, be fined not exceeding* 5,000 *Rupees.*

3. *and* 4. *Any person who shall under any pretence, device, &c. agree to pay any sum or to deliver any goods or to forbear doing any thing for the benefit of another, with or without consideration, on any contingency of drawing any ticket, &c. or who shall publish any proposal of the kind shall, on conviction, be fined not exceeding* 1,000 *Rupees;* (4) *half to the use of Government, half to the Informer.*

An Act for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of Lotteries.

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall, from and after the 31st day of March, 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day afore-

said, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5,000 Rupees.

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this section shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1,000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

MADRAS.—TRANSIT AND IMPORT AND EXPORT DUTIES.

ACT No. VI. OF 1844.

[*Passed on the 16th March,* 1844.

1. *Repeals such parts of Regulations* 10, 1803; 1, 3 *and* 6, 1812; *Regulation* 3, 1821 *and of any others as impose Inland, Transit and Town Duties.*

2. *Repeals Regulation* 9, 1803, *except Sections* 55 *to* 70 *inclusive; Regulation* 11, 1803; *Regulation* 14, 1808; *Regulation* 15, 1808, *except Section* 5; *Regulation* 2, 1812, *except Sections* 15 *and* 17; *Regulation* 4, 1812; *such parts of Regulation* 1, 1813, *as relate to rates of Spirits Duties and Drawback; Regulation* 2, 1816; *Regulations* 2 *and* 3, 1818; *Regulations* 4 *and* 7, 1819, *with their Schedules, except so far as they rescind other Regulations, and all other provisions imposing Sea Custom Duties.*

3. *Preceding Sections not to prevent the levy of any Municipal Tax or any Toll on any Bridge, &c. for repair, &c. of same, nor Light House fees of same nature.*

4. *and* 5. *Duties on Imports by sea to be according to rates specified in Schedule A. Duties upon Exports to be according to rates specified in Schedule B.*

6. *Duties on Goods passing by land into or out of Foreign European Settlements, &c. to be at the same rates as Goods imported or exported on Foreign Bottoms, &c.*

7. *The Governor in Council may declare the Territory of any Native Chief not subject to the Madras Presidency, to be Foreign Territory for the purpose of levying Duties under this Act.*

8. *Customs Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territories. Officers at such Chokees may examine Goods, &c. and Goods shall not pass until the person in charge shall produce a Certificate showing that the Duty has been paid.*

9 *The Governor in Council may appoint Officers to collect Duties, and grant Certificates, which shall entitle Goods to pass the Frontier, and if Goods brought to any Chokee do not correspond with the Certificate, the difference shall be noted on the Certificate, and the Goods shall not pass without a further Certificate.*

10. *The Governor in Council shall give notice of the appointment of Officers to receive Duties on the Frontier and such Officers shall grant Certificate on receipt of Duties.*

11. *No Certificate shall be received at any Chokee more than thirty days after date. Customs Officer may grant a new Certificate within the thirty days if satisfied that the original one has not been used.*

12. *The Governor in Council may prescribe by what routes Goods may cross the land Frontier; and goods brought by other routes shall be liable to detention or confiscation, unless the Collector shall be satisfied that they were carried by wrong route through ignorance or accident.*

13. *Goods crossing Frontier between sun-set and sun-rise, or clandestinely, to be seized and confiscated.*

14. *Chokee Officer permitting Goods to pass Frontier without Certificate or by prohibited route to be liable to imprisonment not exceeding six months and fine not exceeding* 500 *Rupees, commutable (if not paid) to further imprisonment for six months.*

15. *Chokee Officer needlessly and vexatiously injuring Goods under pretence of examining them, or wrongfully detaining them, to be liable to imprisonment not exceeding six months, and fine not exceeding* 500 *Rupees, commutable, if not paid, to further imprisonment for six months.*

16. *Goods imported by sea from any Foreign European Settlement in India, or from any Native State declared Foreign under Section 7, shall be subject to Duties in Schedule A.*

17. *No Goods to be exempted from specified Duties, except by order of Governor in Council. Baggage in actual use may pass free of Duty.*

18. *Goods may be imported Duty free from one Port to another under specified Certificate.*

19. *If Goods on which duties have been paid at any port within the territories of the E. I. C. are imported at any Madras Port, credit may be given at the latter port for such duties.*

20, 21, 22, *and* 23. *The Governor in Council may fix the value of articles*

liable to ad valorem Duties : (21) but Duties to be levied according to market value, if no such valuation has been made by Governor in Council (22) And the Market value including that of packages, shall be declared by the person applying to have the Goods passed ; which application shall set forth the name of the Ship, &c. (23) and Goods deemed by the appraising officer to be undervalued may be taken at valuation by Collector and shall be paid for in 15 days, after deducting duty, &c.

24. *The Governor in Council may declare what shall be landing and shipping ports, and Goods landed, &c. elsewhere shall be seized and confiscated.*

25. *The Master of Vessel on arrival shall deliver or send Manifest of Cargo in form C. Governor in Council may in specified case fix place beyond which inward bound Vessels, except country craft, &c. shall not pass until Manifest has been forwarded.*

26. *Master to be liable to a fine of 1,000 rupees if Manifest does not contain a full and true specification, and Goods in excess, &c. of Manifest to be charged with double or increased duties.*

27. *Master of inward bound Vessel remaining below the place fixed for delivering Manifest shall deliver it to person authorized to receive it. Master liable to fine not exceeding 1,000 rupees if he refuses to deliver Manifest after lying 24 hours at anchor, and no Entry or Port Clearance shall be given until fine is paid.*

28. *No vessel shall break bulk until the Collector has received the Ship's papers.*

29. *No Goods shall leave the Vessel until the Vessel is entered and order is given for discharge of Cargo. Goods removed, &c. in contravention hereof to be seized as contraband. After such entry, Cargo may be landed according to prescribed forms and rules.*

30. *If Cargo falls short of Manifest, or is landed elsewhere than at prescribed place, the Master may be fined not exceeding 500 rupees for missing packages of unknown value, and double duty on goods the duty on which can be ascertained.*

31. *One or more landing and shipping places shall be appointed, and goods landed or shipped elsewhere shall be seized and confiscated.*

32. *The Governor in Council may, for security of Customs, license Cargo Boats, &c. for landing and shipping Cargo, and Goods landed, &c. except by special permit at others, may be confiscated.*

33. *and 34. The Collector may send Officer on Board at any port at which there is a Custom House Establishment : and (34) Master refusing to receive and accommodate such Officer, &c. may be fined not exceeding 100 rupees a day.*

35. *Collector may direct vessel to be searched, issue warrant, and Officer may require Cabins, &c. to be opened, &c. and Goods found concealed, &c. may be confiscated; and Master, &c. resisting Officer may be fined 1000 Rupees.*

36. *Master removing from ship, or putting on board, Goods between sun-rise and sun-set, &c. may be fined not exceeding 500 rupees.*

37. *Export cargo boats without permits shall not lie along side vessel on which a Custom's Officer is stationed : cargo in such boats to be confiscated.*

38. *With each separate despatch of Goods from Vessel having a Custom's Officer on board, a Boat Note shall be sent, specifying number and marks of packages.*

Goods without Note, or out of the track between the vessel and landing place may be confiscated.

39. *Goods brought to the Custom House to be passed if not corresponding with the description given of them in the application, &c. may be confiscated.*

40. *If Goods after being landed are removed, &c. with the intention of defrauding the revenue, they may be confiscated, unless it was done without the sanction of the owner.*

41. *The Collector may require Goods brought by sea and stowed in bulk to be weighed or measured and may levy duty according to result.*

42. *Repeals Clause* 2, *Section* 11, *Regulation I.* 1805.

43, 44 *and* 45. *The price paid for Salt sold under the orders of the Governor in Council for consumption in the Madras Presidency, shall be one rupee eight annas for every maund of* 3200 *tolas: but* (44) *the Governor in Council may remit part of the price if he deems it expedient, and* (45) *Salt purchased at full price may be passed into the interior without the levy of further duty.*

46 *and* 47. *When Customs Officer is sent on Board Vessel not exceeding* 600 *Tons,* 20 *days exclusive of Sundays and holidays shall be allowed for discharge of export and* 30 *days of import Cargo: beyond which period the Master shall pay the wages of the officer: and* (47) *if no Customs Officer is on Board, the Collector shall fix a period not less than the above. Goods remaining on Board after that period may be landed at Custom House by order of Collector for security of Duties, &c. Goods in Custom House not cleared in* 3 *months may be sold for Duties, &c.*

48. *Beyond the* 20 *days allowed for discharging inward Cargo,* 15 *shall be allowed for shipping outward Cargo, if the vessel does not exceed* 600 *Tons, and* 20 *days if it does exceed* 600 *Tons: or* 20 *and* 30 *days shall be allowed in specified cases in lieu of the* 15 *and* 20.

49. *Master putting Goods on board after removal of officer and before he is placed on board again, shall be fined not exceeding* 1000 *rupees, and Goods may be relanded at expense of shipper.*

50. *Port Clearance shall be granted to Master of Vessel on certificate of all Port Charges, &c. having been duly discharged.*

51. *Goods passed through the Custom House upon application made after Port Clearance shall pay double duty, or if duty free,* 5 *per cent. on value, &c.*

52. *If Vessel has put back from stress of weather &c. and the Cargo has to be unshipped, a Custom House Officer shall go on board and take charge of Cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be refunded.*

53. *Duty on Goods relanded before the lading is complete to be refunded, but not if relanded after grant of Port Clearance, unless the vessel put back from stress of weather or damage.*

54. *The Governor in Council may establish rules for the anchoring of coasting and country craft, delivery of manifests of cargo of such craft, &c.; and persons contravening such rules to be fined not exceeding* 100 *Rupees for each offence.*

55. *Pattamars, Dhonies, &c. from the Maldives and Laccadives, Kuttywar and Cutch, to be treated as country craft if they conform to regulations, &c.*

56. *No drawback to be allowed on Goods shipped on Native-craft specified in last Section.*

57. *Goods re-exported without being unshipped or transhipped shall not be subject to import or export duty. Goods transhipped shall be liable to same duty as if passed through the Custom House and re-shipped in same ship as brought them.*

58. *No transhipment of Goods to be made except under special order of Collector on penalty of confiscation.*

59. *Officer of Customs shall superintend the removal of Goods from vessel to vessel.*

60. *The Collector to adjudge when Goods are liable to confiscation.*

61. *Collector may refuse Port Clearance until fines incurred by person in charge of vessel have been paid.*

62. *Collector may decide that a seizure of Goods was vexatious, &c. and adjudge damages to party aggrieved, and order release of Goods; if damages adjudged are accepted, no action shall lie against seizing Officer; Collector may mitigate the penalty of confiscation to the extent of levy of double duty, and may distribute half the proceeds of sale of confiscated Goods to seizing Officers.*

63. *Officers of Customs to be amenable to the Civil Courts, except Collector in respect of judicial award under this Act.*

64. *Persons obstructing Officers exercising powers under this Act, to be imprisoned not exceeding 6 months, or fined not exceeding 1000 rupees, or both.*

65. *Officer accepting &c. any consideration for doing, &c. any official act, shall be imprisoned not exceeding 2 years, or fined, or both.*

66. *Officer concerned in defrauding the Customs Revenue, shall be imprisoned not exceeding 2 years, or fined, or both.*

67. *Persons not being Officers, who shall exact customs or duties, &c. shall be imprisoned not exceeding 2 years, or fined, or both, and be liable to damages at suit of party aggrieved.*

68. *Governor in Council may transfer the powers of Collector of Customs to any other functionary; may make rules &c. establish wharves; fix rates of wharfage and rent, &c.*

Schedules A. B. C.

Amended by Act XXIX. 1855, so far as it exempts Customs Officers from Control of Board of Revenue.

An Act for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.

_____ hereby enacted, that from the First day of April, 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Re-

gulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70, both inclusive; Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5; Regulaton II. of 1812, with exception of Sections 15 and 17; Regulation IV. of 1812 and such parts of Regulation I. of 1813, of the same Code as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code, for fixing the amount of Duty to be levied on Goods Imported or Exported by Sea at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll or any Bridge, Road, Canal, Pier or Causeway for repair and maintenance of the same, or of any fee for the erection and maintenance of Light Houses.

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods Imported by Sea into any place within the Territories subordinate to the Government of the Presidency of Fort St. George, after the said First day of April, 1844, according to the rates specified in Schedule A. annexed to this Act, with the exceptions specified therein, and the Schedule with the Notes attached thereto, shall be taken to be a part of this Act. [The Schedules are repealed by Act VII. 1859.]

V. And it is hereby further enacted, that Duties of Customs shall be levied upon country Goods Exported by Sea from any ports of the Presidency of Fort St. George after the said First day of April, 1844, according to the rates specified in Schedule B. an-

nexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

VI. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by Land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Fort St. George, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign Bottoms at any British Port in that Presidency.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory and to declare Goods passing into or out of such Territory liable either to the duty fixed for British or for Foreign Bottoms as the said Governor in Council may think fit.

VIII. And it is hereby enacted, that for the levy of Duties of Customs as above provided on Goods exported by Land to, or imported by Land from, such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the Customs Duty leviable thereupon has been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs Duties, and Grant Certificates of the payment thereof, and that such a certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of Duty leviable on those Goods to have

been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further certificate for the difference shall be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall on receipt of money tendered as Customs Duty be bound to give to any Merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XI. And it is hereby enacted, that no certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided, however, that any person who has taken out a certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections 6 and 7, of this Act, and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back; and if not provided with a certificate shall be detained, and shall be

liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIII. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XV. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Collector of Custom, or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section 7, of this Act, to be subject to the duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A. on imports on Foreign Bottoms.

XVII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House to pass free of Duty any bag-

gage in actual use at his discretion; and if any person shall apply to have Goods passed as such baggage, the Collector acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to Duty under the provisions of this Act.

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St.George from any other port in that Presidency under certificate that the Export Duty specified in Schedule B has been duly paid thereon, or that there has been a re-export, and that the Import Duty specified in Schedule A. has been duly paid, the said Goods shall be admitted to free entry.

XIX. Provided also, that when Duties of Customs shall have been paid on any Goods at any port in any part of the Territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George from time to time, by notice in the Official Gazette of the Presidency, to fix a value on any Article or number of Articles liable to ad valorem Duty, and the value so fixed for such Articles shall, till altered by a similar notice, be taken to be the value of such Articles for the purpose of levying Duty on the same.

XXI. And it is hereby enacted, that when Goods liable to Duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed Duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the market value of such Goods at the place and time of importation or exportation as the case may be.

XXII. And it is hereby enacted, that the Market value for Assessment of Duties on ad valorem Goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the

Custom House, and the value so declared shall include the Packages or materials in which the Goods are contained, and the application shall truly set forth the name of the ship in which the Goods have been imported or are to be exported, the name of the Master of the said ship, the Colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof shall be made to the Consignee or Importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of Import Duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by public notice in the Official Gazette of that Presidency what places within the same shall be ports for the landing and shipment of Merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXV. And it is hereby enacted, that when any Vessel shall arrive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the Cargo on board, made out according to the form annexed to this Act and marked C. to the first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the Vessel after dropping anchor, and if the port be up a River or at a distance from the land first made, then it shall be lawful for

the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections 54 and 55 of this Act, to pass until the Master shall have forwarded, in such manner as may be ordered by the said Governor in Council such a Manifest as is required by this Act.

XXVI. And it is hereby enacted, that if the Manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the Vessel, the said Master shall be liable to a fine of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs under the orders of Government.

XXVII. And it is hereby enacted, that if any inward bound Vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying for entery inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts or other Papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

XXIX. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the port, nor until order shall have been given for discharge of the Cargo thereof as above provided, and it shall be the duty of every Customs Officer to seize as contraband any Goods which have been removed or put on board of any vessel in contravention of the above Provision, or which any attempt shall have been made to remove from, or to put on board of any vessel in contravention of the above Provision. And after entry of the vessel at the Custom House in due form, such part of the Cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and Export Cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

XXX. And it is hereby enacted, that if Goods entered in the Manifest of a Vessel shall not be found on board that Vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees, for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any Vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental Manifest.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods

at any other than the said authorized places, or if any Goods be shipped or an attempt be made to ship any Goods from any others than the said authorized places without such order, they shall be seized and confiscated.

XXXII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any Vessel in such port, otherwise than in the Boats so authorized and prescribed, except under special Permit from the Collector of Customs at the port, and any Goods that may be found on board of other Boats than those so authorized for the port shall be liable to be seized by an Officer of Customs and shall be liable to confiscation.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Fort St. George shall see fit to maintain at any port an establishment of Officers to be sent on board of Vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any Vessel in such port by night and by day, until the Vessel shall leave the port, or it shall be otherwise ordered by the Collector.

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

XXXV. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production

of such order the Officer bearing it shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a Vessel who shall resist such Officer or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of One Thousand Rupees.

XXXVI. And it is hereby enacted, that every Master of a Vessel who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding Five Hundred Rupees.

XXXVII. And it is hereby enacted, that no Cargo Boat laden with Goods intended for exportation by Sea shall make fast to, or lie alongside of, any Vessel on board of which there shall be a Customs Officer stationed, unless there shall be on board the Boat, or have been received by the said Customs Officer, a Custom House Permit or order for the shipment of the Goods, and the Goods on board of any Boat that may so be alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

XXXVIII. And it is hereby enacted, that when Goods shall be sent from on board of any Vessel having a Customs Officer on board for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate despatch a Boat Note, specifying the number of packages, and the marks and numbers or other description thereof, and such Boat Note shall be signed by an Officer of the Vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a Boat proceeding to land from such Vessel without a Boat Note, or if being accompanied by a Boat Note, they be found out of the proper track between the ship and the proper place of landing, the Boat containing such Goods may be detained by any Officer of Customs

duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified Articles, all such packages, with the whole of the Goods contained therein, shall be liable to confiscation.

XL. And it is hereby enacted, that if any person after Goods have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the Goods.

XLI. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy Duty according to the result of such weighing or measurement.

XLII. And it is hereby enacted, that Clause 2, Section 11, of Regulation I. of 1805 of the Madras Code shall be repealed.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George shall subsequent to the date specified in Section 1 of this Act be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt.

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for home consumption under the provisions of Section 43 of this Act; a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, twenty days exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer, may be detained on board. And if the Owners, Importers, or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any Goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master of the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the duties and charges thereon, although twenty days

may not have expired from the entry of such Vessel; and in case any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the Duties and other charges due thereon, and the balance remaining after deducting the said Duties and charges shall be held in deposit and paid to the Owner on application.

XLVIII. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel discharging Cargo, a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo, if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with wages and expenses of the Customs Officer on board until after the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

XLIX. And it is hereby enacted, that when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall before a Customs Officer have again been placed in such Vessel put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever such Master shall be punished with a fine not exceeding One

Thousand Rupees, and the Goods shall be liable to be re-landed for examination at the expense of the Shippers, upon requisition to that effect from the Collector of Customs.

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a certificate from the proper Officer or Officers of all port charges and public demands against him of whatever nature having been duly paid and discharged.

LI. And it is hereby enacted, that upon any Goods liable to Duty that may be passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed Duty shall in all cases be levied, and if the Goods be free or have already paid Import Duty, or have been imported free under certificate, five per cent. upon the Market value shall be levied thereon, or if the same be imported Goods entitled to Drawback, the Drawback shall be forfeited, but no separate Duty shall be levied on Drawback Goods.

LII. And it is hereby enacted, that when a vessel having cleared out from any port shall put back, from stress of weather, or it shall for any damage or from other cause be necessary that the Cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such relanding or removal from on board, and the Goods on board such vessel shall not be allowed to be transhipped or re-exported free of Duty by reason of the previous settlement of Duty at the time of first export unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the Exporter; provided, however, that in all cases of return to port after Port Clearance on account of damage or for stress of weather, it shall be lawful for the owner or for the master to enter the vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty

shall in that case be refunded, and the amount paid in Drawback be reclaimed, and if Goods on account of which Drawback has been paid be not found on board the vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

LIII. And it is hereby enacted, that when Goods shall be relanded before the lading of any vessel is complete, and before Port Clearance has been granted, the duty levied upon such Goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any Goods after Port Clearance shall have been granted for the vessel on which the Goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the Goods shall have been relanded under the rule contained in the last preceding Section of this Act.

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British Territories, for the delivery of Manifests of the Cargo of such Vessels, and for the landing of Goods therefrom, and shipping of Goods thereon, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding One Hundred Rupees for each offence.

LV. And it is hereby enacted, that Pattamars, Dhonies, and other small Craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin States, shall be treated in the ports of the presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping Goods, as may be made by the Governor in Council for such vessels in the several ports of the presidency of Fort St. George.

LVI. And it is hereby enacted, that no Drawback shall be allowed on Goods shipped on such Native Craft as are described in the last preceding Section of this Act.

LVII. And it is hereby enacted, that Goods exported in the same vessels if manifested for re-export, shall not be subject to import or export duty, and if any Goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same Duty as if they had been landed and passed

through the Custom House for re-exportation in the Vessel into which they may be transhipped.

LVIII. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and that Goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of Goods from Vessel to Vessel.

LX. And it is hereby enacted, that in all cases in which under this Act Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

LXI. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse Port Clearance to such Vessel until the fine shall be discharged.

LXII. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the Proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the Proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of justice on account of such seizure: and if such Adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LXIII. And it is hereby enacted, that all Officers of Customs

shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for any Judicial award in a matter of Customs passed under the preceding Section of this Act.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

LXV. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept or obtain or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine or both.

LXVI. And it is hereby enacted, that whoever being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXVII. And it is hereby enacted, that whoever not being an Officer appointed under this Act, or authorized by any Regulation to collect Customs or Duties, shall exact Customs or Duties of any denomination on any pretence whatsoever, whether as principal or agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the Presidency of Fort St. George.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary and to make any rules consistent with law for the carrying of this Act into effect; and to establish such Wharves and appoint such Officers as he shall think

fit, and to fix rates of Wharfage and of Rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

SCHEDULE A.—*Rates of Duty to be charged on Goods Imported by Sea into any Port of the Presidency of Fort St. George.*

Repealed by Act VII, 1859, except as to Opium (No 20.) and Salt (No 21.); and differences between British and Foreign Bottoms repealed by Act VI. 1848.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
20	Opium, ...	24 Rs. per Seer of 80 Tolas. ...	24 Rs. per Seer of 80 Tolas.
21	Salt, ...	3 Rs. per Maund of 80 Tolas to the Seer. ...	3 Rs per Maund of 80 Tolas to the Seer.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, subject always to an Appeal to the Governor in Council of Fort St. George.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs, there shall be retained one eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback.

But no Exporter of imported Goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export, nor shall any payment be made of Drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Register.

SCHEDULE B.—*Rates of Duty to be charged on Goods Exported by Sea from any Port or place in the Presidency of Fort St. George.*

Repealed by Act VII, 1859 except as to Salt (No. 12) and Opium (No. 14.) Differences between British and Foreign Bottoms were repealed by Act VI. 1848.

No	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or places not being subordinate to the Presidency of Fort St. George,....	Free, ...	Free.
14	Opium, not covered by a Pass,.-	Prohibited, ...	Prohibited.

And upon the re-export to Europe, the United States of America, or to any British Possession in America, from Madras or from any other Port of the Presidency of Fort St. George, of Cotton that has been imported under certificate of the payment of the Duty specified in this Schedule, provided that the re-export be made, in British Bottoms, within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of Export Duty levied at the first place of export, shall be refunded.

SCHEDULE C. *Manifest of Goods Imported per Commander, from under Color. viz.*

Marks.	Number.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice value	Tariff value.
A.	1@5	5 Cases	250 pieces.	0	0	3000	Cambrics Long Cloths, bleached, Long Cloths, unbleached, Madapollams, bleached, Ditto, unbleached, Plain Muslins.		

N. B. Articles generally to be specified, excepting such as

Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionery, Stationery and such like. All articles from Great Britain to be entered according to the English Weight not Native.

From China in like manner, in China Weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

COMPETENCY OF WITNESSES.

ACT No. VII. OF 1844.

[*Passed on the 6th April,* 1844.

1. *Within the local jurisdiction of Her Majesty's Courts, no person shall be excluded from giving evidence either in person or by deposition by reason of crime or interest. But this Act not to render competent any party to any suit, &c or any person on whose immediate behalf any action is brought or defended. This Act not to repeal Act* 25, 1838*; nor to prevent any defendant in Equity from being examined as a witness for plaintiff or co-defendant, &c.*

2. *Act not to apply to pending proceedings.*

Act for improving the law of Evidence.

Partially Repealed by Act XV, 1852, and the Law relating to competency of witnesses now provided for by Act II. 1855, entitled An Act for the further improvement of the Law of Evidence.

NATIVE MILITARY CONVICTS.

ACT No. VIII. OF 1844.

[*Passed on the 9th April,* 1844.

Any Native Officer or Soldier, or Camp Follower, belonging to the Forces of the East India Company, being a Prisoner under Sentence of Court Martial, the Governor or Governor in Council may order his removal from one prison to any other prison in the same Presidency ; the time employed in his removal to be deemed part of the term of his imprisonment.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

Repealed by Act VII. 1850.

PRINCIPAL SUDDER AND SUDDER AMEENS.

ACT No. IX. OF 1844.

[*Passed on the 13th April*, 1844.

1. 2. *All suits within the competency of a Principal Sudder or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers. But (2) Zillah or City Judge may withdraw them and try them himself or refer them to any other competent Court subordinate to him.*

3. *Zillah or City Judge shall assign to the Principal Sudder or Sudder Ameen attached to his Court, if more than one of them, &c. the several Moonsiffs' divisions which shall constitute their respective special jurisdiction : and such Principal Sudder Ameen to have cognizance of all suits mentioned in Sections of this Act.*

4. *Zillah or City Judge to receive Summary Appeals from orders of Principal Sudder or Sudder Ameen rejecting any original Suit cognizable by him.*

5. *The same stamp to be sufficient in any other Court as in that of Sudder Ameen, for the like cause.*

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. and II. Repealed by Act VIII. 1859 the new Code of Civil Procedure.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens, shall be empowered to take cognizance of all such suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. and V. Repealed by Act VII. 1859.

SENTENCES FOR MURDER.

ACT NO. X. OF 1844.

[*Passed on the* 11*th May*, 1844.

Recites Statute 9, *Geo.* 4 *Cap.* 74, *and enacts* (1) *that the recited enactment shall cease to have effect, and* (2) *that sentence of death may be pronounced after convictions for murder in the same manner, &c. as after convictions for other capital offences.*

An Act to amend the Law respecting the period of the Execution of persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murder, unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects.

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinafter recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

BENGAL.--SUPREME COURT.

ACT No. XI. OF 1844.

[*Passed on the* 18*th May*, 1844.

1 *When occasion shall require, any one of the Judges of the Supreme Court may sit apart for the despatch of Criminal business at same time that the other Judges are sitting for despatch of business in Supreme Court.*

2. *Court may transact same business in Vacation as in Term, subject to same Rules and Orders as term proceedings.*

An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.

I. it is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require, to sit apart from the other judges or judge, as the case may be, of the same Court for the despatch of the criminal business of the said Court, at the same time when the other judges or judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had before all the judges of the said Court sitting as a Court of Oyer and Terminer and Gaol delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term and that all proceedings whatsoever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

INDIAN NAVY.

ACT No. XII. OF 1844.

[*Passed on the 25th May*, 1844.

1. *Recites the Statute*, 3 *and* 4 *W.* 4, *C.* 85, *Section* 43, *&c. and* 3 *and* 4 *Vic. Chap.* 37, *&c.*

Enacts the following articles for the Indian Navy.

(1.) *All Captains, &c. to cause public worship according to the Liturgy to be performed in their Ships on the Lord's Day.*

(2.) *All Officers, &c. guilty of profane Oaths, &c. Drunkenness, &c shall be punished by Court Martial.*

(3.) *Any Officer, &c. giving, &c intelligence to any Enemy, &c shall be punished by Court Martial with death, or minor punishment.*

(4.) *Any Officer, &c. receiving from any Enemy, &c. any letter or message, and not within* 12 *hours acquainting his Superior Officer, &c. shall be punished by Court Martial with death, or minor punishment.*

(5.) *All Spies, &c. coming within the Territories under the East India Company to bring seducing letters, &c. from any Enemy, &c. or to endeavour to corrupt any Officer, &c. shall be punished by Court Martial with death, or minor punishment.*

(6.) *No person belonging to Indian Navy shall relieve an enemy with Money, &c upon pain of death, or other punishment.*

(7.) *Papers, Charter Parties, &c. seized aboard Prizes shall be sent to the Court of Admiralty or other prize Court, or in default thereof offender to forfeit his Share of the Capture, &c.*

(8.) *No person in the Indian Navy shall take but of any Prize, any Money, &c. except for necessary security, before the capture shall be adjudged lawful, upon pain of forfeiting his Share of the Capture, &c.*

(9.) *Officers, &c. on board captured Vessel shall not be stripped, or pillaged, &c.*

(10.) *Superior Officer upon signal of fight, or sight of enemy, not preparing for fight, &c. or cowardly crying for quarter, &c. shall suffer death or other punishment.*

(11.) *Every person not duly observing orders for assailing or joining battle with, any Fleet, &c. or not obeying orders in time of action, shall suffer death or minor punishment.*

(12.) *Every person, through cowardice, &c in time of action, withdrawing or keeping back, &c shall suffer death or minor punishment.*

(13.) *Every person through cowardice, &c. forbearing to pursue chase of any Enemy beaten or flying, or not assisting known friend, &c. shall suffer death or minor punishment.*

(14.) *Any person delaying or discouraging any action or service when commanded, upon pretence of arrears of wages, &c. shall suffer death or minor punishment.*

(15.) *Persons deserting to Enemy, &c or running away with Ship, &c. or yielding up the same to Enemy, shall suffer death or minor punishment.*

(16.) *Deserters and persons enticing others to desert shall suffer death or minor punishment; Officers receiving deserter, and not giving notice, shall be cashiered.*

(17.) *Officers and Seamen of convoy Ships, shall diligently attend upon their charge, &c. and defend the same, &c. and not demand any reward from any Merchant, &c. and not misuse the Masters, &c. upon pain of suffering such punishment as Court Martial shall think proper.*

(18.) *Any Captain, &c. receiving on board, any Goods, &c. except for use of the Ship, and except Gold, Silver and Jewels, and the Goods of any Shipwrecked Vessel, and Goods which he may be ordered to receive, shall be cashiered and incapable for any public service.*

(19.) *Any person in Indian Navy making a mutinous assembly or uttering words of sedition or mutiny, or behaving with contempt to Superior Officer in execution of his duty, shall be punished as Court Martial shall think fit.*

(20.) *Any person in Indian Navy, concealing any traitorous or mutinous practice, &c. shall suffer death or minor punishment, and any person concealing traitorous or mutinous words, or not revealing the same forthwith, shall be punished as Court Martial shall think fit.*

(21.) *Any person in Indian Navy having cause to complain of the unwholesomeness of provisions, shall quietly make known the same to his Superior Officer with a view to a remedy, and any person stirring up disturbance on such pretence shall be punished as Court Martial shall think fit.*

(22.) *Any Officer, &c. striking Superior Officer, &c. or quarrelling with Superior Officer, &c. or disobeying lawful command, shall suffer death or minor punishment.*

(23.) *Any person in Indian Navy quarrelling or fighting with any other person therein, or using reproachful speeches, &c. shall be punished as Court Martial shall think fit.*

(24.) *Stores and Provisions, &c. shall be carefully preserved, upon pain of such punishment as Court Martial shall deem just.*

(25.) *Every person in Indian Navy unlawfully burning or setting fire to any Magazine, &c. not belonging to an Enemy, shall suffer death or minor punishment.*

(26.) *If Vessel is through negligence, &c. stranded, &c. offender shall be punished with death, or minor punishment.*

(27.) *No person in Indian Navy to sleep on watch or negligently perform duty, &c. on pain of being punished as Court Martial thinks proper.*

(28.) *Murder by person in Indian Navy shall be punishable with death*

(29.) *Any person in Indian Navy committing the unnatural and detestable sins specified shall be punished with death, or minor punishment.*

(30.) *All robbery by person in Indian Navy shall be punished with death, or otherwise as Court Martial thinks proper.*

(31.) *Any Officer making or signing a false muster, &c. shall be cashiered.*

(32.) *No person in Indian Navy shall refuse to apprehend, &c. any Criminal, under proper authority, &c. upon pain of such punishment as Court Martial shall think proper.*

(33.) Any Superior Officer, &c. behaving in a scandalous, &c. manner unbecoming an Officer shall be dismissed from the Indian Navy, or suffer such other punishment as Court Martial thinks proper.

(34 and 35.) Every person in actual service and full pay being guilty of Mutiny, &c. or (35) any other offences made punishable by this Act, on shore, shall be punishable as for same offences committed at Sea.

2. *Court Martial shall not sentence to imprisonment for more than two years.*

3 *and* 4 *This Act shall not be construed to empower Court Martial to punish or try offences (except, &c.) not committed upon the Main Sea, or in Great Rivers &c. or not committed by persons in actual service and full pay, &c. nor (4) to try any Land Officer, &c on board Transport Ship.*

5 *The Governor General of India and Governors of Madras and Bombay respectively, may grant Commissions to call Courts Martial, &c. and in case of the death, &c. of Officer named in Commission, the Officer next in command, &c. shall have same power.*

6. *No Commander-in-Chief of Fleet, &c. of more than five Ships shall preside at Court Martial, but the next in Command to such Officer shall preside.*

7 *and* 8 *If three or more Ships of the Indian Navy meet in Foreign parts, the Senior Officer, not under the rank of Commander may hold Courts Martial and preside thereat, &c. unless (8) there is some material objection to such Officer presiding, in which case the Governor General or Governor in Council, may authorize the third Officer in command to preside, &c.*

9. *No Court Martial shall consist of more than* 13 *nor less than* 5 *persons of specified rank.*

10 *Prescribes the Oath to be taken by Officers composing Courts Martial, and by Judge Advocate*

11. *and* 12. *Any person refusing to give evidence at Court Martial, or prevaricating in his evidence, &c may be punished by Court in specified manner; and persons committing perjury or subornation of perjury, may be prosecuted in Her Majesty's Courts and (12) in prosecutions for such offences it shall not be necessary to set forth the Commission, &c.*

13 *No Sentence of death given by Court Martial shall be put in execution till the proceedings have been reported and directions have been given by Governor General in Council.*

14. *The Judge Advocate or his deputy may administer oath to witnesses, &c. and in their absence the Court may appoint person to execute the office.*

15. *and* 16. *The several articles and orders established by this Act, shall remain in force with respect to the crews of vessels lost or destroyed, until they are discharged from the service, or placed in other vessels, &c and the pay and wages of such crews and officers and of (16) the Officers and crews of captured vessels shall go on and be paid, &c. if they have done their duty under the circumstances.*

17. *No person not flying from justice, shall be tried by Court Martial, unless upon complaint made in writing within three years of the offence, or one year of the return of the ship, &c. or one year of the return of the offender into the East Indies.*

18. *This Act not to take away from the Lord High Admiral, &c. any Admiralty power, &c.*

19. *Proceedings of Court Martial not to be delayed by the absence of Members if sufficient remain to compose a Court. Court to sit from day to day. Sundays excepted, and Members absenting themselves during the whole time except in case of sickness, &c to be cashiered*

Act XIV. 1853 is An Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company called the Indian Navy. Act III. 1855 An Act for the better prevention of Desertion from the Indian Navy, and Act XXXIII. 1858 is An Act to amend Act XII, 1844.

An Act for better securing the observance of an exact discipline in the Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th, intituled "An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April, 1854."—It is among other things enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native, Foreigners, or others, and for all Courts of Justice whether established by His Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in any wise affecting the said Company, or the said Territories, or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the authority of

Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

And it is hereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of justice whatsoever within the same territories in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any Court of justice any Laws or Regulations made by the said Governor General in Council. And it is thereby also provided and enacted, that it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby powers shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects, born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the laws for regulating the payment of Regimental Debts and the distribution of the

Effects of Officers and soldiers dying in Service," reciting that the said Company for the safety and protection of the Territories under their Government in addition to their Land Forces, maintain a Marine Establishment theretofore called "the Bombay Marine," but then called "the Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the Fourth, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Force of the said Company, it is enacted that the provisions of the said Act of the 4th year of King George the Fourth and the Rules and Articles of War made and to be made by virtue thereof should extend and be applied to the service of "the Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "the Indian Navy," it was amongst other things enacted that, for the retaining the Forces of the said Establishment in their duty the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said service called "the Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should Mutiny, or stir up sedition, or should desert the said service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, in as full and ample manner, to all intents and purposes, as by virtue of the said Act passed in the Session

held in the 3d and 4th years of the Reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, anything in the said last mentioned Act, or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of the now reciting Act, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid, so long as they should remain unrepealed, should be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe or the children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good government of the said "Indian Navy," by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the service of the said Company belonging to the said India Navy who should be Commissioned or in pay as Officers

or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be, to all intents and purposes, liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be duly observed and put in execution in manner hereinafter mentioned.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God, according to the Liturgy of the Church of England established by Law to be solemnly, orderly and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleanness or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their Offence shall deserve.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander-in-Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence may deserve, or the Court Martial shall impose.

4 If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours, having opportunity so to do, acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squdron, every such person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5 All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India Company to bring or deliver any seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or shall suffer such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized or found aboard any Ship or Vessel which shall be surprised or taken as Prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the Ship or Vessel which shall take such Prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful capture, there to be viewed, made use of, and proceeded upon according to Law, upon pain that every person offending therein shall forfeit and lose all share

of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or Ship or Vessel seized for Prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the Ships or Vessels of the Indian Navy, before the same be adjudged lawful Prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated, upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10. Every Superior Officer belonging to the Indian Navy, who upon signal order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his superior Offi-

cer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

13. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15 Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel,

being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial, shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon the charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners, and others, as the Court of Admiralty or other competent Court shall judge; and also be punished criminally according to the quality of their offences, be it by pain of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship

or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death or such other punishment as a Court Martial shall deem him to deserve; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his Office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit; and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior Officer, Captain or Commander in Chief shall, as far as he is able, cause the same to be presently remedied, and no person belonging to the Indian Navy

upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever; or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and decree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy, that through wilfulness, negligence or other defaults no Ship or Vessel be strandeed or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death or such other

punishment as the offence by a Court Martial shall be judged to deserve.

27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Martial upon consideration of circumstances shall find meet.

31 Every Officer or other person belonging to the Indian Navy who shall knowingly make or sign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy being duly authorized so to do shall refuse to apprehend any Criminal whom he shall be authorized by legal Warrant to apprehend, or to receive or keep any prisoner committed to his charge or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offences.

33. If any Superior Officer, Captain or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an Officer.

he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the Territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said Crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial, to be constituted by virtue of this Act, to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such person as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders. [Amended by Act XXXIII, 1858.]

IV. Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punish-

ment or trial of any Land Officer or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War, (who shall be authorized by the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside, at any Court Martial, but that the Officer next in command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom or Usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion, during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in command to the Senior Officer or Commander in Chief of any Fleet or Squadron of the Ships of the

Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor General, or Governor in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall, before they proceed to such trial, take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)—

I, A. B., do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words :—

I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

XI. And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the report of the proceedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being or his Deputy, shall have full power and authority,

and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate, and his Deputy the Court Martial shall have full power and authority to appoint any persons to execute the Office of Judge Advocate.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further service, or removed into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seaman of the Ships or Vessels of the Indian Navy who, after the wreck or loss of his Ship or Vessel, shall act contrary to the Discipline of the Indian Navy, and the several Articles or Orders hereinbefore estalished, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear, by the sentence of the said Court, to have done the utmost to defend the said Ships or Vessels, and

since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's service or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity or not live to the time of the holding of such Court Martial, to the time of their death, in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in Writing to the Governor General in Council or Governor in Council or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided always that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of the Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre eminence or authority which he or they or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose

such Court, which shall and is hereby required to sit from day to day (Sundays always excepted,) until the sentence be given, anything hereinbefore contained to the contrary thereof in any wise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

COPPER-COINAGE.—TRISOOLEE PYCE.

ACT No. XIII. OF 1844.

[*Passed on the* 15*th June*, 1844.

1, 2, 3, *and* 4. *Trisoolee Pyce struck for Benares under specified Regulations to cease to be a legal tender : but* (2) *shall be received on account of Government and exchanged for Company's Pyce, at* (3) *places to be appointed by Lieutenant Governor, who* (4) *may order one Rupee to be given for* 64 *Pyce.*

An Act for making Trisoolee Pyce no longer a legal tender within the province of Benares, and for their withdrawal from circulation.

Carried out and practically expired.

TRANSPORTATION FOR LIFE.

ACT NO. XIV. OF 1844.

[*Passed on the 6th July*, 1844.

1. *Prisoners sentenced by Sudder to imprisonment for life shall be sentenced at same time to transportation, except in specified cases.*

2. *Sudder Judge may sentence to transportation prisoner sentenced by Commissioner of Circuit, &c. to imprisonment for life.*

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to sentences of transportation for life.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons

inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single judge of the Sudder Court to sentence such offender at the same time to transportation beyond Sea for life, and such single judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

CUSTOMS DUTIES.

ACT No. XV. OF 1844.

[*Passed on the 6th July*, 1844.

Extends to manufactures of mixed materials the rate of duty imposed by Customs Acts on Cotton and Silk Goods.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844.

The Schedules to Act XIV. 1836 and to Act VI. 1844 are repealed by Act VII. 1859 except as to Salt and Opium, and Act I. 1838 is repealed by Act I. 1852.

BOMBAY.—SALT DUTIES.

ACT No. XVI. OF 1844.

[*Passed on the 27th July*, 1844.

1. *Repeals Section* 1, *Act XXVII.* 1837.
2. *Salt Duty at Government Salt Works to be One Rupee per Maund.*
3. *Repeals Section* 43, *Act I.* 1838.
4. *The Exporter of Salt which has paid the excise duty entitled to a Certificate from the Collector of Customs, and shall pass into the interior under the usual passes, free of other duty.*

5. *Repeals specified parts of Schedules A. and B. Act I. 1838*

6. *The import duty on Salt in the Bombay Presidency shall be One Rupee per maund, and Salt on which that duty has been paid may be re-exported free of duty.*

An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844 all Inland, Transit and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George where abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay, to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay.

I. It is hereby enacted, that from the First day of September, 1844, Sec. I. of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September, 1844, there shall be paid to the Government on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

III. And it is hereby enacted, that Sec. 43. Act. I. of 1838 shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sect. 2. of this Act, a Certificate shall be granted by the Collector of Customs at the place of Exports, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other Port of the

said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A appended to Act I. of 1838 as provides that on Salt imported by Sea into any Port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

~~VI. And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3.200 Tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.~~

BOMBAY.—COLABA.

ACT No. XVII. OF 1844.

[*Passed on the 10th August*, 1844.

1. *Vests the administration of Police, &c. in lapsed territories in Agent of Government.*
2. *Governor in Council may make rules for guidance of Agent.*
3. *Fouzdaree Adawlut to pass final sentence.*
4. *Sudder Adawlut to try Appeals from Agent in usual manner.*
5. *Lapsed territories to be governed under same laws as contiguous lands.*

An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

Repealed by Act VIII. 1853.

BENGAL.--JAILS.

ACT No. XVIII. OF 1844.

[*Passed on the 7th September*, 1844.

1. *Repeals all former Regulations and Acts respecting the control of Jails.*
2. *Vests the control of Jails in the Magistrates and Joint Magistrates.*

An Act for the better control and management of Jails within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and Superintendence over the several Jails of the Presidency of Frot William in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

BOMBAY.--TOWN DUTIES.

ACT No. XIX. OF 1844.

[*Passed on the 14th September*, 1844.

Abolishes all taxes on Trades and Professions.

An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay.

It is hereby enacted, that from the 1st day of October, 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades or Professions, under whatsoever

name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

FACTOR'S ACT.

ACT No. XX. OF 1844.

[*Passed on the 26th September*, 1844.

Recites Act XIII. of 1840, *and statute* 5 *and* 6 *Vict. c.* 39. *and enacts that the* 5 *and* 6 *Vict. shall be extended to territories of the E I. Company.*

5 AND 6 VICT. C. 39, AS ALTERED BY THIS ACT.

Title. An Act to amend the law relating to advances bona fide made to agents intrusted with goods.

1. *Recites* 6 *Geo* 4, *c.* 94. *Enacts that agent intrusted with goods, or documents of title to goods, shall be deemed the owner thereof so far as to give validity to a pledge, lien, or security of or upon the same, for any loan, advance, &c. notwithstanding he be known to be only an agent*

2. *Pledge of goods, lien, or security by agent, in consideration of delivery or transfer of other goods or title to goods by a person having a lien, &c. thereon in respect of a previous advance, if bona fide, shall be valid to the same extent in value as the lien on the goods delivered up or transferred.*

3. *This Act is to make valid and protect such contracts, loans advances and exchanges only as are made bona fide, and without notice that the agent has not authority to make them, or is acting mala fide as against his principal the owner. Act also not to protect lien or pledge made or given by agent for antecedent debt; and not to authorize agent to deviate from orders of owner.*

4. *Defines the meaning of the term, "Document of title." Agent intrusted with goods, or document of title to goods, whether immediately by owner, &c. shall be deemed intrusted with the goods themselves, &c Contract made with clerk of agent, to be deemed made with the agent. Payment made, whether by money or negotiable security, to be deemed an advance.*

5. *This Act not to lessen, &c the civil responsibility of the agent for breach of duty, &c.*

6. *If agent without authority, &c. for his own benefit, &c shall make any consignment, &c. of goods or documents, by way of pledge, &c. or accept any advance on the faith of contract to consign, &c. such agent shall be deemed guilty of misdemeanor, and be liable to transportation, &c. And clerk or other person knowingly and wilfully assisting such agent in unlawful act shall be deemed guilty of misdemeanor, &c Provided that agent shall not be liable to prosecution for making such consignment, &c. if such consignment &c. be not made as security for a greater sum than may be due to him from his principal Conviction of agent not to be evidence against him in action at law, &c nor shall his own statements under compulsory process be used against him on prosecution.*

7. *Act not to prevent owner of goods, &c from having the right to redeem, &c. upon repayment of lien or pledge before sale, nor to prevent his recovering from pledgee the balance over and above amount of his lien, if goods are sold. In case of bankruptcy of agent, owner of goods may prove against his estate the amount paid to redeem the goods, &c.*

8. *Defines the word "Person," and gives rules of interpretation.*

9. *Act not to affect contracts made before the passing thereof.*

An Act to amend the Law relating to Advances *bona fide* made to Agents intrusted with Goods, by extending to the Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 5 and 6 Victoria, c. 39, as altered by this Act.

Whereas by Act XIII. of 1840, the Provisions of the Statute 4, Geo. IV. c. 83, as altered and amended by the Statute 6, Geo. IV. c. 94, were extended to the Territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6, Victoria, c. 39, the said Statute 6, Geo. IV. c. 94, is altered and amended; and the Provisions thereof are extended.

It is hereby enacted, that the Statute 5 and 6, Victoria, c. 39, as altered by this Act, shall, from and after the passing of this Act, be extended to the Territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows:

5 AND 6 VICT. CHAP. 39, AS ALTERED BY THIS ACT.

An Act to amend the Law relating to advances *bona fide* made to Agents intrusted with Goods.

I. Whereas by an Act passed in the 6th Year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making Advances to persons

abroad, who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as Agents only: And whereas by the said Act it is, amongst other things, further enacted, "that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned, for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payments be made in the usual and ordinary course of business, and that such person shall not, when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money." And whereas Advances on the security of Goods or Merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to *bona fide* Advances upon Goods and Merchandize as by the said recited Act is given to sales, and that Owners intrusting Agents with the possession of Goods or Merchandize, or of Documents of title thereto, should in all cases where such Owners, by the said recited Act or otherwise, would be bound by a contract or agreement of sale be in like manner bound by any contract or agreement of pledge or lien for any Advances *bona fide* made on the security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect Exchanges of Securities *bona fide* made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same, and to extend the Provisions thereof, and to put the Law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing

of this Act, any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods, shall be deemed and taken to be Owner of such Goods and Documents, so far as to give validity to any contract or agreement by way of pledge, lien, or security *bona fide* made by any person with such Agent so intrusted as aforesaid, as well for any original Loan Advance, or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security, upon which the person so delivering up the same had at the time a valid and available lien and security for or in respect of a previous Advance, by virtue of some contract or agreement made with such Agent, such contract and agreement, if *bona fide* on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual, to all intents and purposes, and to the same extent, as if the consideration for the same had been a *bona fide* present advance of money. Provided always that the lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange, shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security, which shall be delivered up and exchanged.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, advances, and Exchanges, as shall be made *bona fide*, and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting *mala fide* in respect thereof against the

Owner of such Goods and Merchandize; and nothing herein contained shall be construed to extend to or protect any lien or pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such lien or pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority received from the Owner; but that for the purpose and to the intent of protecting all such *bona fide* Loans, Advances, and Exchanges, as aforesaid (though made with notice of such Agent not being the Owner, but without any notice of the Agent's acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owners and all other persons interested in such Goods.

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant, or order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such Document to transfer or receive Goods thereby represented, shall be deemed and taken to be a document of Title within the meaning of this Act; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agent's having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods, represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid, shall be deemed and taken to be respectively pledges of and liens upon the Goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be *bona fide* made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall

actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such pledge or security, every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto; and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by money or Bills of Exchange, or other Negotiable Security, shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken, for the purpose of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shown in evidence.

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the civil responsibility of an Agent for any breach of duty or contract, or non-fulfilment of his orders or authority in respect of any such contract, agreement, lien, or pledge as aforesaid.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid, shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a pledge, lien, or security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such Goods or documents of Title as aforesaid, every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and, being

convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned. Provided nevertheless that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such Agent from his Principal, together with the amount of any Bills of Exchange drawn by or on account of such Principal, and accepted by such Agent. Provided also, that the conviction of any such Agent, so convicted as aforesaid, shall not be received in evidence in any action at Law or suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding which shall have been *bona fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from recovering of and from such persons with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid. Provided always that in case of the Bankruptcy or Insolvency of any such

Agent, the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall, in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled, in either of such cases, to prove for or set off the sum so paid, or the value of such Goods, as the case may be.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and *vice versa*, and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

EMIGRATION.

ACT NO. XXI. OF 1844.

[*Passed on the* 16*th November*, 1844.

1. *Repeals Act XIV. of* 1839, *so far as applicable to emigration of natives, &c. to Jamaica, British Guiana and Trinidad.*

2. *Emigration of laborers, natives of India, to Jamaica, British Guiana and Trinidad from Calcutta, Madras and Bombay allowed.*

3. *Emigration Agents with after mentioned powers may be nominated by the Governments of Jamaica, British Guiana and Trinidad, and authorized by presidency Government to act as such. Emigration Agent to report monthly.*

4. *Presidency Governments respectively to nominate a protector of Emigrants.*

5. *No vessel to carry such Emigrant laborers to Jamaica, &c. without a licence, for which licence one Rupee may be charged, &c. Granting licence to be discretionary with Government. Master of licensed ship to enter into bond to conform to regulations of this Act.*

6. *Emigrant laborer not to be received on board, unless he has a pass from Emigrant Agent countersigned by Protector of Emigrants. Pass to state, &c.*

7. *Before the ship licensed to carry Emigrants is cleared, Master must obtain from Emigration Agent a certificate to effect stated in Act, viz. (1) that such Agent has complied with requisitions of this Act, (2) that directions of Act for ensuring health, &c. of passengers have been complied with, (3) that any rules ordained by G. G. in C. have been complied with.*

8. *Probable length of voyages to America, &c. to be deemed how many weeks, &c. Emigrant vessels to sail from ports only between 30th Sept. and 1st March.*

9. *Before vessel sails from port, the Master shall deliver to Emigration Agent, list specified in Art. 10 of this Act, &c.*

10. *Master taking Emigrant on board, or clearing ship, without first complying with requirements of this Act, to be liable to penalty, &c. for every Emigrant on board.*

11. *Master taking Emigrant on board and not inserting him in list, &c. or without obtaining duplicate mentioned in Art. 10 of Schedule, to be liable to penalty, &c.*

12. *Master obtaining proper certificate, and subsequently doing or suffering to be done any thing in fraud of certificate to be liable to penalty, &c., besides incurring forfeiture of bond, &c.*

13. *Officers of Customs to have the like powers of searching and detaining ships for prevention of illegal deportation of Emigrants, as for prevention of smuggling, and Pilots to have same powers as Officers of Customs.*

14. *Persons attempting, by means of intoxication, false imprisonment or crimping, to export natives contrary to provisions of this Act, to be liable to fine or imprisonment by Magistrate or to be indicted.*

15. *When Emigrant vessel clears from Calcutta, Customs Officer shall countersign the pass brought on board by Emigrant, and keep a Register of Emigrants on board. Officer to remain in ship till arrived in Saugor roads, and crew, passengers and Emigrants to be mustered, &c. before he leaves. Pilot to do duties, &c. after Customs Officer has left. Customs Officer and Pilot to report, &c. and be liable to penalty, for making false, &c. report or conniving at illegal embarkation of Emigrant laborers.*

16. *Forgery of any document required by this Act to be punishable by imprisonment, &c.*

17. *Penalties how to be enforced.*

Schedule. (1) *Empowers Governors of Jamaica, &c. to nominate Emigration Agents.* (2) *Agent to be remunerated by salary.* (3) *Duties prescribed for Agent.* (4) *Ship not to have more than one passenger for every two tons of registered tonnage. No ship having more than one deck, to carry Emigrants, unless there be six feet in height, between decks, &c.* (5) *Two children under age of ten, to be reckoned as equal to one person.* (6) *What provisions shall be laden on board Emigrant ship, in proportion to number of passengers.* (7) *Before ship is cleared, provisions and water on board shall be surveyed, &c. and certified, &c.* (8) *Master to furnish a sufficient quantity of provisions, &c. to every Emigrant, &c.* (9) *Copies of these Regulations to be deli*

vered by Agent to Master, and produced by Master to passenger on request. (10) Master to deliver list, &c. of Emigrants to Agent, at port of clearance and counterpart to Protector at port of destination. (11) These Regulations not to apply to Admiralty vessels nor to H. M.'s ships of war

Repealed as respects Emigration from Calcutta by Act IV. 1852.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India oCmpany to Jamaica, British Guiana and Trinidad.

I. It is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the Emigration of Natives from the ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that, after the passing of this Act, Emigrant Labourers, being Native inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make monthly Reports to the Government, to which he is subordinate, of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica,

British Guiana or Trinidad from any of the Ports aforesaid in any Ship or Vessel, unless a licence be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee, not exceeding One Rupee per Emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India, shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rs. to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one Copy shall be forwarded to the Government of such Colony, to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid, shall be liable to be forfeited, and the Master thereof shall be liable, as for a misdemeanor, in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass, to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name, and the name of his father and his age, and certifying that having appeared before such Agent, he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound, and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a

certificate under the hand of such Agent to the effect following, that is to say—

1st.—That such Agent has, by personal communication, done what is required on the part of such Agent by the 3rd Article of the Schedule hereunto annexed; provided always that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly.—That all the directions contained in the 4th, 5th, 6th and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3rdly.—That (in addition to the directions contained in the said Schedule) such rules have been complied with, as the Governor General in Council shall from time to time frame, touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to Native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall, for the purposes of this Act, be deemed to be—

For the Port of Calcutta, twenty weeks;
For the Port of Madras, nineteen weeks;
For the Port of Bombay, nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana, or Trinidad shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing. [Repealed by Act XXV. 1845, as respects Madras.]

IX. And it is hereby enacted, that, before any Ship or Vessel shall be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid, the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall, at any of the Ports aforesaid, take on board such

Ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad, without having fully complied with every particular herein before required previous to clearance, he shall be liable, on conviction before any Magistrate, or Justice of the Peace, in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall, after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid, without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid, containing the entry of such Emigrant prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done, any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel or its passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act, that all the powers vested by Law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana, or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt, by means of intoxication or by false imprisonment, or other means of crimping, to export any Native on board any Ship or Vessel contrary to the provisions of this Act, shall be liable to be punished, on conviction before a Magistrate, in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months; provided that nothing in this Act contained shall prevent the Offender from being proceeded against by indictment, but the Offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads, and shall not come away until muster of the Crew and Passengers and Emigrant laborers has been made in his presence, and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel, the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act; and it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete Report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that, to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act; and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment

in the Calcutta Jail for six Months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And it is hereby enacted, that if any person shall forge, or shall use, knowing it to be forged, any Document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

SCHEDULE.

1.—The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras and Bombay.

2.—The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him, but shall be in the nature of an Annual Salary.

3.—Every such Emigration Agent shall ascertain, by personal communication with every Emigrant previously to his or her embarkation from the Port or place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate, from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4.—It shall not be lawful to ship on board of any Ship or Vessel, carrying Emigrants from India to any of the Colonies aforesaid, any number of passengers exceeding the proportion of one person

for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks; and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths; and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid, unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier, throughout the whole extent thereof; and, whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores, not being the personal luggage of such person.

5.—In the computation of the number of Passengers within the meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6.—There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid, at the time of departure of such Ship or Vessel from the port or place at which such labourers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers, over and above the victualling of the Crew, to the amount or in the proportion following, that is to say—a supply of water to the amount of five gallons for every week of the computed voyage for every Passenger on board such Ship or Vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage, for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her water casks, a supply of water, at the rate before mentioned, for every week of an average voyage to such Port or Place of calling, shall be deemed

to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that, by the special authority of the Governor General of India in Council, any other articles of food were substituted for the articles above enumerated, as being in his judgment equivalent thereto.

7.—Before any such Ship or Vessel shall be cleared out on any such voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board, an ample supply of water and stores for the victualling of the crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a certificate thereof under his hand to the Master of such ship or Vessel.

8—The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9.—Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10.—The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurate-

ly as may be, the names, ages and occupation of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Emigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11.—Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of war.

COPPER COINAGE.

Repealed by XIII 1862

ACT No. XXII. OF 1844.

[*Passed on the 28th December*, 1844.

1. *Pice, double pice, and pie, weighing as specified, to be the only copper coin.*
2. *Pice, double pice, and pie, to be legal tenders respectively for* $\frac{1}{64}$, $\frac{1}{32}$, *and* $\frac{1}{192}$, *of Company's Rupees.*
3. *Bombay coins of above weight, &c. to be legal tender for like amounts.*
4. *Copper coins to be legal tender only for fractions of rupee.*

Extended by Act XVII. 1855 to Straits Settlements, which established a legal tender for the dollar.

An Act for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

I. It is hereby enacted, that from and after the passing of this Act the following Copper Coins *only* shall be issued from any Mint within the Territories of the East India Company:

1. A Pice weighing... .. ... 100 Grains Troy.
2. A Double Pice ... . 200 „ „
3. A Pie of one-twelfth of an anna-piece ... ... $33\frac{1}{3}$ „ „

with such devices as shall be fixed for the same by the Governor General in Council. (Repealed by Act XI. 1854, as respects the ward "only" and half pice authorized to be issued.)

II. And it is hereby enacted, that, from and after the passing

of this Act, the said Pice shall be a legal tender throughout the Territories of the East India Company for $\frac{1}{64}$ of the Company's Rupee, and the said Double Pice for $\frac{1}{32}$ of the Company's Rupee, and the said Pie for $\frac{1}{192}$ of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weight specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

BENGAL.—REVENUE SALE LAW.

ACT No. I. OF 1845.

[*Passed on the* 11*th January*, 1845.

1. *Repeals Section* 3 *and all the following Sections of Act* 12. 1841.

2 *Defines an arrear to be any portion of a kist of one month, remaining unpaid on the first of the following month*

3 *The Sudder Board of Revenue shall determine upon what days all arrears of Revenue and demands recoverable as such shall be paid in the permanently settled districts, and in default of payment, the estates in arrear shall be sold by auction. Board to give notice of days fixed for payment.*

4. *In districts not permanently settled, and in the province of Benares, no sale shall take place, &c without special sanction of Board of Revenue in each several case.*

5. *No estates shall be sold for arrears of the six specified descriptions until after* 15 *days' notice, &c. specifying the nature and amount of the arrear, &c. and the latest day of payment, in the office of the Collector, &c. in the Courts of the Judge. &c. in the Court of the P. S A., S. A., &c. and in the Court of the Moonsiff, &c. Police Thanna, &c. &c.*

6. *Collector, &c. shall, as soon as possible after latest day of payment, give not less than* 15 *nor more than* 30 *days' notice, specifying estates to be sold and sale days No payment to be received after latest specified day.*

7. *When estate is notified for sale, Collector, &c. shall give notice to the ryots &c. not to pay rent to defaulter on pain of not having credit for payment thereof in account with purchaser.*

8. *No claim to abatement, &c of revenue unless allowed by Government, nor any private demand by defaulter against Government, nor money of defaulter in the hands of Collector, unless it stands in defaulter's name alone and without*

dispute, and unless after application made in due time to the Collector shall bar a sale, or render a sale void or voidable.

9 *Collector, at any time before sunset of the latest day for payment, shall receive deposit of arrears from any person not being proprietor, to be carried to credit at sunset of that day, unless arrears are in the meantime paid by propietor. If the party making deposit be a suitor in same Court for the estate, he may be put in possession, under the usual rules: or if he make the deposit for protection of an interest, he may recover the amount with interest from the proprietors of the estate.*

10. *No estate shall be liable to sale for arrears accrued while it was under Court of Wards nor estate of minor acquired by inheritance, &c. of which Court of Wards has not taken management; nor estate under attachment by the Revenue authorities, until after the end of the year in which the arrears accrued.*

11. *Collector, &c. may, for special reasons to be recorded, exempt an estate from sale.*

12. *Sales to be made at Cutcherry of Collector unless otherwise ordered by Sudder Board*

13. *If Collector is unable, from sickness, & to commence sale, or to complete it on fixed day, he may adjourn to the next day, not being Sunday or holiday, &c.*

14. *Estates to be sold in the order in which they stand on the Towjee, except in case of buyer not paying his deposit.*

15. *Purchaser to deposit in Cash, Bank Notes, Post Bills, or Government Securities, 25 per cent. of his purchase money, or in default estate to be put up again.*

16. *Entire purchase money to be paid in 30 days from day of sale, or in default, deposit to be forfeited and estate sold again, and loss on re sale to be borne by defaulter. Re-sale to be made in forms prescribed by Section 6.*

17 *Commissioner of Revenue may receive an appeal within 15 days after sale, and annul sale, and award compensation in certain cases to purchaser, but not exceeding interest on his deposit, &c.*

18. *In case of hardship or injustice, the Commissioner may suspend passing final orders and represent case to the Sudder Board, who may recommend the Local Government to annul the sale, &c.*

19. *Sales to be final, unless appealed against within 30 days, or in case appeal has been dismissed.*

20 *Collector to give purchaser Certificate of title. Form of Certificate Transfer to be proclaimed in Cutcherry, &c Purchase money how to be applied.*

21. *Suit to oust the certified purchaser on ground that purchase was made for another, to be dismissed with costs.*

22. *Annulment of sale to be notified by Collector, &c. Purchase money to be returned to purchaser, with interest, &c.*

23. *Party certified as proprietor by purchase shall be answerable for revenue fallen due subsequently to the latest day of payment.*

24. *Sale not to be set aside, unless contrary to the provisions of this Act, &c.*

Sale not to be contested by any person who has received part of the purchase money. Person aggrieved by sale, to have his action for damages.

25. *If sale is reversed, purchase money shall be repaid by Government with interest.*

26. *Purchaser shall take the estate free from incumbrances, and may enhance the rents of under-tenures, and eject the tenants, except in 5 specified cases.*

27. *The purchaser shall take the estate free from incumbrances imposed subsequent to last settlement, and may annul all tenures or agreements subsequent to last settlement, &c. Proviso, against purchaser demanding higher amount of rent than was demandable by former Malgoozar, except where rent was reduced by abatements granted by special favour of such Malgoozar.*

28. *Before sale is made, Local Government may direct it to be made subject to leases, assignments or other incumbrances. Notice of such condition to be given; but such restricted sale may be cancelled, and re-sale without restrictions made, except in specified cases, if the future realization of the Revenue is endangered. Estate once sold subject to incumbrances may, at any future sale, be sold without restrictions.*

29. *Excepting co-partners under Butwarrah, &c. proprietor of estate purchasing it himself, &c. shall re-acquire subject to all incumbrances. Estate sold for arrears due in respect of other estates shall be taken subject to incumbrances.*

30. *Arrears of rent due from tenants to defaulter at date of sale may be recovered by any process except distraint, &c.*

31. *Any Collector, &c. in respect to sales, may punish contempt committed in his presence, in open Cutcherry, &c. to extent of 200 Rupees. commutable to one month's imprisonment, &c. subject to an appeal to the Revenue Commissioner.*

32. *A default to make good a bid by paying deposit shall be held a contempt.*

33. *Act to be confined to Bengal, Behar, Orissa and Benares, now subject to Regulations, and to the Ceded and Conquered Provinces, &c. and not to extend to Calcutta or Straits Settlements.*

Repealed by Act XI. of 1859, but re-enacted in the first 37 sections of that Act with a few alterations. Retained here for its historical value, omitting however those sections which are mere re-enactments of Act XII. 1841, which can be referred to.

An Act to amend Act No. XII. of 1841, entitled "An Act for Amending the Bengal Code in regard to Sales of Land for Arrears of Revenue."

Whereas it is found expedient to amend the existing law for the realization of the Land Revenue.

I. It is hereby enacted, that from the last day of February 1845, the third and following Sections of Act No. XII. of 1841 are repealed. *(a)*

(a) The greater part of this Act, is a literal re-enactment of Act 12, 1841.

II. Act XII. 1841, section 5.

III. And it is hereby enacted, that, upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction; in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at public auction, to the highest bidder; and the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publications to be made, as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) Principal Sudder Ameens,

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The alterations are chiefly in the 3d and 6th Sections; and their object is, to give notice to the public of every estate which is in arrear, and of its liability to be sold, unless the arrears are paid on or before a day also notified. This notice to the public is adapted to produce competition at the sale, by attracting bidders. It also informs mortgagees, and other non-resident or distant proprietors, of the danger in which the estate is placed, and which may be owing to the negligence or fraud of their agents or Mookhtears.

By the former law, certain fixed and general sale days were appointed by the Sudder Board of Revenue. But what estates would be sold, could be known only to the Collector, to his officer, and to persons attending the sale; because the arrears were payable until sunset of the next preceding day. The sale day was known by reason of the general orders of the Board of Revenue but not the particulars of sale, because, practically speaking, there was no interval between the sale and the forfeiture of the property.

The alteration made in this respect is as follows The Sudder Board instead of appointing, as before, by notice in the *Gazette*, certain general sale days, is directed to appoint what may be called certain extreme general *pay-days*, and arrears will be receivable from the defaulters until sunset of the last pay-day, but not after. If the arrears are not paid on the last pay-day, the Collectors, who of course will act in this important matter under the orders of the Board of Revenue, will advertize the property for sale in the manner pointed out hereafter. This advertisement is new and is the great boon conferred by the above Act.

The first and second Sections of Act XII. 1841, are the only ones left unrepealed: the former itself merely repeals previous regulations; the latter merely prohibits the demand of interest on arrears of revenue.

Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed, except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect. (*b*)

IV. And it is hereby enacted, that in Districts not permanently settled, and in the province of Benares, no sale shall take place for arrears of Land Revenue or other demands of Government, without the special sanction of the Sudder Board of Revenue, previously obtained in each several case of sale. Provided that the said Board, at the time of authorizing such sale, shall fix the latest day on which in each case such arrears or demands shall be received. (*c*)

V. Provided always and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed, for a period of not less than fifteen clear days, preceding the date fixed for payment, according to Section III. or IV. of this Act, as the case may be, in the office of the Collector, or other Officer duly authorized to hold sales under this Act, in the Court of the Judge, within whose jurisdiction the land advertised lies, in the Court of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the Notification relates, or a part of it, is situated—the same to be certified by the receipt of the Officer at whose office such Notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose. (*d*)

(*b*) This and the sixth Section contain the principal alterations made by the present Act. See Note (*a*) Ante.

(*c*) This is a re-enactment of Section 4, Act XII. 1841, down to the word "provided:" the proviso from that word inclusive is new.

(*d*) This Section corresponds in subject, with Section 8, of Act XII. 1841, and varies from it only in requiring the latest date on which payment of

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee, or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorized to hold sales under this Act, shall, as soon as possible, after the latest day of payment fixed in the manner prescribed in Section III. or IV. of this Act, issue notifications in the language of the District, to be affixed in his own office, and in the Court of the Judge of the District, and to be published in the Official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector, or other Officer as aforesaid. And, except as hereinafter provided, all Estates so specified, shall, on the day notified for sale, or on the day or days following, be put up to public auction by, and in the presence of, the Collector, or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale, or after its conclusion. *(e)*

VII. Re-enactment of Act XII. 1841 section 17, except that instead of notice after sale, the notice is to be given after notification of sale.

VIII. Act XII. 1841 section 7.

IX. Re-enactment of Act XII. 1841, section 9, except as to day of sale. Instead of sunset of the day before Sale, sunset of the latest day fixed for payment is appointed.

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revenue will be received to be notified; and in expressly mentioning estates in the province of Benares.

(e) The first part of this Section is new. See Ante note(*a*). The remainder of the Section, beginning with the exception, is a re-enactment of Act XII. 1841, s. 6.

X. Act XII. 1841 section 10.

XI. Act XII. 1841 section 11.

XII. Act XII. 1841 section 12.

XIII. Act XII. 1841 section 13.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VI. of this Act, sales shall proceed in regular order—the Estate to be sold bearing the lowest number on the Towjee or Registers in use in the Collector's Office of the District, being put up first; and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid, to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XV. of this Act. *(f)*

XV. Act XII. 1841, section 15.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday, or other close holiday, then on the first office day after the thirtieth; and in default of payment within the prescribed period as aforesaid, then and afterwards, as often as such default shall occur, the deposit shall be forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale, which may be eventually consummated, being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue; and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and

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(f) A re-enactment of Sec. 14, down to the exception with which it ends. The exception is intended to enable the Collector to put up an estate again at the same auction, if the first purchaser fails to pay his deposit. I cannot quite see the practical operation of this; but, if an estate is put up a second time, after the bidders on the first occasion are gone, it is evident a great sacrifice would be made of the property. Section 16, which also provides for a re-sale, applies to the case in which the deposit is paid, but the purchase money not completed: but Section 15 to the case in which the deposit is not paid.

if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI. of this Act: and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also, that payment, or tender of payment, by or on behalf of the Proprietor, of the arrear for which the Estate was first sold, and of the arrear which may have subsequently become due, if such payment be made before sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV. of this Act, shall bar such re-sale. *(g)*

XVII. Act XII. 1841 section 17.

XVIII. Act XII. 1841 section 19.

XIX. Act XII. 1841 section 20.

XX. Act XII. 1841 section 21.

XXI. Act XII. 1841 section 22.

XXII. Act XII. 1841 section 32.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue, shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the *latest* day of *payment aforesaid.* (*h*)

XXIV. Act XII. 1841 section 25.

XXV. Act XII. 1841 section 26.

XXVI. Act XII. 1841 section 27. The Law on the subject of enhancement of rents was modified by Act X, 1859.

XXVII. Act XII. 1841 section 28.

XXVIII. Act XII. 1841 section 29.

XXIX. Act XII. 1841 section 30.

(g) A re-enactment of Sec 16, down to the concluding provision for a notification three days after default, and what follows;—which are new; and the last very important and a great mitigation of the severity of the law of forfeiture.

(*h*) A re-enactment of Sec. 24, except that the day from which the responsibility of the purchaser commences is altered in terms to correspond with the previous alteration made by this Act.

XXX. And it is hereby enacted, that arrears of rent which, on the latest day of payment, may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint, which might have been used by him for that purpose, on or before the said latest day. (*i*)

XXXI. Act XII. 1841 section 32.

XXXII. Act XII. 1841 section 33.

XXXIII. Act XII. 1841 section 34.

Repealed by XVI of 1862

BOMBAY. ADULTERY.

ACT NO. II. OF 1845.

[*Passed on the* 18*th January*, 1845.

1. *Person convicted of adultery liable to fine or imprisonment or both, and to no other punishment.*

2. *Woman may be prosecuted for adultery only by her husband, and man only by husband of the woman with whom adultery is alleged to have been committed.*

An Act for regulating the punishment of Adultery in the Court of the East India Company, in the Territories subject to the Presidency of Bombay.

I. It is hereby enacted, that whenever any person shall be convicted of the offence of Adultery by any of the Courts of the East India Company within the Territories subject to the Presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any Law or Regulation to the contrary notwithstanding.

(*i*) There strikes me as being a slight inaccuracy in this Section.

The meaning clearly is that arrears of rent due on the latest day of payment, *and unpaid* to the defaulter, shall, from the day of sale inclusive, be payable to the purchaser; for the notice to the ryots, prescribed in Section 7, only forbids their payment to the defaulter from (*i. e* beginning) the day after that fixed for the last day of payment; which means that they may pay the defaulter on or before the last day fixed for payment of revenue, but not after. It is evident, indeed, that if the ryots were forbidden to pay the Zemindar on the day which he might pay the Collector, this day would scarcely be a day of grace to him; it may be that the very default of the ryots is the cause of his default.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for Adultery other than the husband of such woman and that no person shall be admitted to prosecute any man for Adultery other than the husband of the woman with whom such man is alleged to have committed Adultery.

APPEALS. SECURITY FOR COSTS.

ACT No. III. OF 1845.

[*Passed on the* 15*th February*, 1845.

It shall not be necessary in any Court of appeal of the E. I. C. to take security for costs, but Court may require such security before the respondent is called upon to answer.

As to Regulation Provinces of Bengal superseded by New Civil Procedure Act VIII. 1859.

An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

Whereas it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts —and whereas no Security for costs is now required by Law in Appeals from the decisions of Moonsiffs—and whereas it is expedient that Appeals from all Courts should be put in this respect upon a uniform footing:—

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding.

BENGAL—REGISTRATION OF DEEDS.

ACT No. IV. OF 1845.

[*Passed on the* 1*st March*, 1845.

1. *Deeds may be registered in any Registry Office in Bengal, whether in same district as property is situate or not.*

2. *When deed is registered in a district in which property is not situate, the Registrar shall forward to Register Office of district where the property is situate a copy of deed as registered, &c.*

3. *Usual fee to be paid for copy required for transmission from one office to an other.*

4. *Memorial of deed to be held duly registered when registered in any one district.*

An Act to amend the law regarding the Registration of Deeds.

I. It is hereby enacted, that from and after the passing of this Act, Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such office be in the District where the property or any part thereof to which such Deeds relate, is situated, or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office to forward to the office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And it is hereby encted, that for every such copy required for transmission to any office as aforesaid the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry,

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District whether or not a copy thereof have been registered in all or any of the other Districts, in which the property to which the Deed relates may be situated.

BENGAL--MAHOMEDAN LAW OFFICERS.

ACT No. V. OF 1845.

[*Passed on the 22nd March*, 1845.

1. *Repeals Sec 5. of Bengal Regulation* 11, 1826

2. *Any person who has successfully passed examination, &c. may be appointed Hindoo or Mahomedan Law Officer.*

An Act concerning the Examination and Appointment f Hindoo and Mahomedan Law Officers.

I. It is hereby enacted, that Section 5, Regulation XI. of 1826 of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

COMMISSIONS OF THE PEACE.

ACT No. VI. OF 1845.

[*Passed on the 5th April*, 1845.

Recites the inconvenience of issuing a new Commission of the Peace, whenever a new J. P. is appointed. Enacts that Supreme Courts shall, upon the order of presidency Government, issue separate commissions to any persons not named in General Commission. Commission to be issued in name of H. M. &c. and to be supplementary to General Commission.

An Act to amend the Law regarding the issue of Commissions of the Peace.

Whereas it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justice of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue

separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justices of the Peace, and who shall be nominated and appointed by such Executive Government to Act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court, and tested in the name of the Chief Justice of such Court, and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued, which shall remain in full force.

N. W. PROVINCES.—CANALS.

ACT No. VII. OF 1845.

[*Passed on the 12th April*, 1845.]

Recites that numerous canals have been constructed for irrigation and navigation in the N. W. P., and the expediency of regulating the levy of tolls, &c. and providing for their protection.

1. *Enacts Lt. Governor of N. W. P. may by proclamation apply the Act to any canal, &c.*

2. *Lt. Governor of N. W. P. may make rules for levy of water rent and supply of water for irrigation and payment of tolls, &c. for privilege of navigation. Rules to be published in Government Gazette.*

3. *Acts in contravention of rules how punishable.*

4. *Balances of water rent may be recovered in the same manner as balances of land revenue.*

5. *Causing obstruction to canals, &c. damaging the Banks or works, &c. defiling the water, &c. how to be punished.*

6. *Offences against this Act or against rules made under it, punishable with imprisonment without labor, &c. or fine not exceeding fifty Rupees, or both, and in default of payment by imprisonment.*

7. *Boats, &c. may be detained for tolls, and sold to realize same after ten days, but not to be sold without sanction of Commissioner.*

8. *Lt. Governor of N. W. P. may appoint officers for collection of rent, &c. and confer on them powers of Collectors of Revenue for levy of rent, and of Joint Magistrates for enforcement of penalties.*

An Act for regulating the levy of Water Rent, Tolls and Dues

on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces and for the protection of the said Canals from injury.

Whereas numerous Canals have been constructed, and are in progress of construction, at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation, so far as may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls, or dues on such Canals, and to provide for their protection from injury:—

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the provisions of this Act applicable to any such Canal.

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent, due for lands irrigated by the Canal, shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal, or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted. that all persons offending against the provisions of this Act, or of the rules passed under this Act shall be punishable on conviction before the Magistrate by impri-

sonment without labour for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer, under the direction of the Superintendent of the Canal, on the 10th day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division, and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

BOMBAY.—APPEALS.—SECURITY FOR COSTS.

Repealed by X 07/61

ACT No. VIII. OF 1845.

[*Passed on the 19th April,* 1845.

Recites expediency of amending Sec. 75 and chap. 17 of Bombay Reg. 4 of 1827, &c. Enacts no security for costs or performance of orders of Civil Court, shall be demanded from any public officer, in cases of appeal carried on under authority, &c. of Government.

An Act for amending Section 75, and Chap. 17 of Regulation 4, of 1827, of the Bombay Code.

Whereas it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV., of 1827 of the Bombay Code, under which security for the payment of costs or the performance of the orders of a Civil Court is demanded from public

Officers, in cases of Appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned, that, from the date of promulgation of this Act, no Security shall be demanded for the payment of costs or the performance of the orders of a Civil Court, from any public Officer in cases of Appeal, which are carried on under the authority and at the expense of Government in the Bombay Presidency.

IMPORT DUTIES OF CUSTOMS.

ACT No. IX. OF 1845.

[*Passed on the* 17*th May*. 1845.

1. *Repeals so much of Schedule A. to Act XIV.* 1836, *and of Schedule A. to Act I.* 1838, *and of Schedule A to Act VI.* 1844, *as relates to goods hereinafter specified, viz Marine Stores. &c.*

2. *Schedule annexed to this Act to be substituted for said Schedules.*

3. *Repeals Act XV.* 1844 *Shedule of duties.*

An Act for amending the Schedules of Import Duties, annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.

Repealed by Act I. 1852 so far as it relates to Bombay, and totally repealed, and new Customs Duties imposed, by Act VII. 1859.

CRIMINAL PROCEDURE.--WARRANTS.

Repealed by XVII of 1862

ACT No. X. OF 1845.

[*Passed on the* 17*th May*, 18

In any criminal case, (except within local jurisdiction of Supreme Courts,) where summons is issued, but not served, a warrant may be issued, on proof of due diligence having been unsuccessfully used to serve summons.

An Act for empowering Courts to issue Warrants in cases of failure to serve Summons.

It is hereby enacted, that in the Territories subject to the Government of the East India Company, except the Local Jurisdiction of the Supreme Courts, whenever, in any Criminal case, a Summons to the Defendant is by Law the first process, it shall be

lawful for any Court which has issued a Summons in such case, to issue a Warrant for the apprehension of the Defendant in such case, upon proof that due diligence has been used to serve such Summons upon the defendant, and that the Officer or other person whose duty it may be to serve such Summons upon the Defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

BOMBAY.—MUNICIPAL FUNDS.

ACT No. XI. OF 1845.

[*Passed on the 24th May*, 1845.

1. *Repeals ss.* 16, 27 *and* 28, *and chap.* 3 *of Bombay Reg* 19, 1827.

2. *Extends the powers of H M's Js. P under sec.* 158 *of* 33 *Geo.* 3, *chap.* 52, *over the whole of Bombay and Colaba*

3. *Persons chargeable with rate, &c. on account of houses, &c, or of shop &c. or of carriages, &c. shall make return of values, &c. upon order of two Js. P. and refusing or making false return, shall be liable to fine, &c.*

4. *J. P. may cause number to be painted on house. &c. for identification and any person defacing number shall be liable to fine, &c.*

5 *(1) Collector of land revenue to make quarterly assessment on shops, &c. (2) Amount of assessment to be paid to Collector who may appoint subordinates under security, &c. (3) Tax to be collected quarterly, and receipts to be signed by Collector.*

6. *Religious houses, temporary houses, bungalows or other temporary buildings within military cantonments, &c. to be exempt.*

7. *Monies specified herein to be disbursed as provided by this Act. viz. monies collected under authority of* 33 *Geo.* 8 *c.* 52 *s* 158. *art.* 2 *and* 6, *Reg.* 2, 1812. *Reg.* 2, 1813. *Proclamation dated* 23 *July* 1817. *&c. except. &c. Reg.* 1, 1818, *Reg.* 2, 1827, *Reg.* 19, 1827, *c.* 2, 4, 5 *and* 6. *Act XXVIII.* 1839, *and under sec.* 5 *of this Act, and all fines, &c. fees for securities, &c. and unapplied balances in General Treasury, &c.*

8. *This Act not to apply to fines imposed by Collector, &c. nor to fines, &c. ordered to be paid to prosecutor, &c.*

9 *Monies ordered by Act XXVIII.* 1839, *to be paid out of County fund, to be paid out of Municipal fund.*

10. *Sums referred to in sec.* 7, *to be paid into Treasury and form a "Municipal Fund." Fund to be under control of Js. P. in Sessions, &c. and for administering the same an executive body, to be called Board of Conservancy, to be formed, composed, &c. Elected members to remain three years in office, &c.*

11. *An annual sum of* 45,000 *Rupees to be paid out of Municipal Fund for expenses of Police, &c.*

12. *Residue of Fund to be applied to specified purposes, viz. (1) defraying expense of establishments, &c. and (2) repairing, &c the road, &c.*

13. *Board, with sanction, &c may construct new roads, &c.*

14. *Board, with sanction, &c may appoint, subject to approval of G in C. one or more superintendents, &c.*

15. *A summary of convictions and punishments, &c. to be laid before Js P. to enable them to ascertain the amount payable to the Fund for fines, &c.*

16 *Sums authorized to be collected under chap 4 of Reg. 19, 1827, to be collected by person authorized by G. in C.*

17 *Board to make up an annual account, &c same to be audited, &c.*

18. *Board may refer to G. in C measures submitted for sanction of supervising body, but rejected by them.*

19. *Interpretation of terms, "Police Fund," "County Fund," "Assessment Fund," &c.*

20 *Fines imposed under this Act, how to be levied.*

An Act for the better Collection, Management and Disbursement of certain Public Funds and Monies, for Police and Municipal purposes, throughout the Islands of Bombay and Colaba.

Repealed by Act XXV. 1858.

BOMBAY.--SUDDER DEWANNY ADAWLUT.

ACT No. XII. OF 1845.

[*Passed on the 7th June*, 1845.

Sudder Dewanny and S Foujdaree Adawlut may assign to Uncovenanted Assistant Register any duties at present performed by Register.

An Act for authorizing the employment of the Uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.

It is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of Uncovenanted Assistant Register to the Court any duties at present performed by the Register.

BOMBAY.--ATTORNIES.

ACT No. XIII. OF 1845.

[*Passed on the 28th June*, 1845.

Supreme Court of Bombay may admit as Attornies, persons being capable though never admitted as Attornies in H. M.'s Courts at Westminster.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attornies of the said Court.

Whereas the Supreme Court of Judicature at Madras is, by Her Majesty's Charter, authorized and empowered to admit and enrol such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at Westminster, or being otherwise capable to act in the character of Attornies in the said Court:

And whereas the Supreme Court of Judicature at Bombay is, by Her Majesty's Charter, authorized and empowered to admit and enrol only such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at Westminster to act in the Character of Attornies of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable, to act in the character aforesaid:

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attornies as the Supreme Court of Judicature at Madras:

It is therefore hereby enacted, that, from and after the passing of this Act. the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attornies in any of Her Majesty's Courts at Westminster and also persons, being otherwise capable, to act as Attornies of the said Supreme Court of Bombay.

BENGAL.—MOONSIFFS.

ACT No. XIV. OF 1845.

[*Passed on the 12th July*, 1845.

1. *Repeals so much of cl. 4, sec. 5. Reg. 7, 1832, as assigns to Moonsiff's duties performed in Judge's Court by Nazir, &c.*

2. *Moonsiffs shall retain on their establishment Nazirs, to whom cl. 8, sec. 14, Reg. 26, 1814 shall apply.*

An Act to provide for the appointment of Nazirs in the Moonsiff's Courts.

I. It is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832 of the Bengal Code, as enacts that

certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiff's Courts be performed by the Moonsiffs themselves, and that the Tullubanah levied in the Moonsiff's Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall, from and after the passing of this Act, retain on their Establishments Nazirs, to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814 of the said Code shall be applicable.

BENGAL AND BOMBAY.—NATIVE ARMY.

ACT NO. XV. OF 1845.

Passed on the 16th August, 1845.

1. *Declares that Reg 15 of 1816 is in force.*

2. *Extends Reg. 15, 1816, to the Bombay Army.*

3. *Plaints in suits by native officers or soldiers, not originating in loans or in pecuniary transactions, &c. to be received on unstamped paper.*

4. *Stamp to be charged in decree against past cost.*

5. *Native Officers, &c. instituting suits, &c. for the purpose of enabling some other person fraudulently to avail himself of this Act, to be liable to fine, &c.*

6 *and* 7. *Enlarges the time within which native officer, &c. may lodge his complaint under Act 4, 1840 from one month to "such period as Magistrate may consider reasonable."*

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I. II. III. IV. V. Repealed by the new Code of Civil Procedure Act VIII. 1859.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate, or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party, as proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate or other Officor as aforesaid shall require the parties complained against, and any other parties concerned, to

appear and make defence, in person or by Agent within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And Whereas it is just that, when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed, so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840, shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier, unless such party prefer his claim within such period as may be considered by the Magistrate reasonable, with reference to the distance of the party, and the difficulty of communication.

BENGAL AND MADRAS.—APPEALS.

ACT No. XVI. OF 1845.

[*Passed on the 16th August*, 1845.

1. *If appeal is dismissed under Act XXIX of* 1841, *Court may re-admit the same—Sudder within three months; any other Court within one month; if dismissal happened by default of Vakeel or unavoidable accident.*
2. *Gives retrospective operation to above enactment.*
3. *No appeal to be re-admitted after second dismissal.*

An Act for regulating the readmission of Appeals after dismissal under Act XXIX. of 1841.

Repealed by the New Code of Civil Procedure, Act VIII. 1859.

BENGAL.—WITNESSES.—MOONSIFFS.

ACT No. XVII. OF 1845.

[*Passed on the 16th August*, 1845.

1. *Repeals cls. 1 and 2, sec 31 and cl 1, sec. 32 of Reg. 28 of 1814.*

2. *Moonsiff requiring the evidence of person out of his local jurisdiction, &c. may issue process, &c. which Moonsiff in the district where such person is, shall endorse and cause to be served.*

3 *Same powers for enforcing attendance of witnesses, to be exercised by Moonsiffs, as by Zillah Judges, subject to appeal, &c.*

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

Repealed by the New Code of Civil Procedure, Act VIII. 1859.

Repealed by Act VII of 1862

CONVICTS.

ACT No. XVIII. OF 1845.

[*Passed on the 23rd August*, 1845.

1. *Convict under sentence of imprisonment for life, &c doing any Act with intention, &c. to cause death of any person, shall, on conviction before Sessions Court, subject to confirmation, &c be punished with death, &c*

2. *Convict committing other offences, or guilty of violent or disorderly conduct, after punishment by Superintendent of Jail, shall on conviction, &c. be punished, &c.*

An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life.

Whereas it is expedient that offences committed by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life, who does any act, with the intention of thereby causing, or with the knowledge that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions

Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with Corporal punishment, not exceeding 39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever, other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct, after having been punished by the order of the Superintendent of the Jail in which he or she is confined, shall, upon conviction thereof, before the Sessions Court, subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with Corporal punishment, not exceeding 39 stripes.

ASSAM COMPANY.

ACT No. XIX. OF 1845.

[*Passed on the 30th August*, 1845.

Recites the existence of the genuine tea plant in Assam, &c. and the national importance of the cultivation and manufacture of tea in India, and the formation of a Tea Company, with a capital of fifty lakhs, &c. and that grants of land have been made to the Company, and that twenty lakhs of the capital are paid up, and that there are other articles of indigenous growth, and that it is desirable the Company should be enabled to avail themselves thereof, &c. Also recites the appointment of a Provisional Committee (naming them) for the purpose of forming, &c. the said Company. Enacts—

1. *That the persons named, &c. shall be a body corporate, by the name, &c. of the "Assam Company."*

2. *Empowers the Company to prosecute the cultivation of the tea plant on their lands in Assam, &c. and carry on the business of tea manufacturers, &c. and for such purposes to take and hold land, &c. and to alienate the same, &c. and to engage in the cultivation, &c. of other articles incidentally, and assistant to tea culture, but not to engage in cultivation, &c. of Opium, Coffee, or Sugar.*

3. *Capital of Company to be Rupees 50,00,000 or 10 000 shares of Rupees 500 each, with power to increase same to one crore of Rupees.*

4. *Company not to raise by loan to a greater amount than one-fifth of its capital.*

5. *Vests the property of the original partnership in the incorporated Company.*

6. *Company may make Bye-laws, &c. for Government of Co.'s affairs, and*

Directors and Officers, &c. and to rescind, alter, &c. The Company's deed to be deemed the first Bye-law, &c.

7. *Proviso against invalidating past proceedings.*

8. *General Meeting of Company to be held twice a year at least, &c. Proprietors to vote according in proportion to number of shares held, viz. &c. but no proprietor of less than five shares to vote. Votes by proxy to be received if authorized by Bye-laws, &c.*

9. *At General Meetings, books and accounts to be exhibited, &c. and a true account in abstract and balance sheet, &c. Such account and balance sheet, when passed, to be advertized, &c.*

10. *Payments already made on account of shares to be deemed valid, &c.*

11. *Certificate of share to be signed by three Directors, and delivered to proprietor; shares to be transferable by endorsement, &c. but endorsement not to take effect until transfer is registered, &c.*

12. *Shares as between the proprietor, &c. to be personal estate, &c.*

13. *Shareholders may be required to pay up the unpaid amount of their respective shares, &c.*

14. *Company, by Bye-law, &c. may provide for making unpaid instalments bear interest, and also for the forfeiture of shares and restoration of forfeited shares. Shares not to be forfeited until after three calendar months' default.*

15. *Company to have benefit and be bound by all contracts, &c. prior to the passing of this Act, and by Acts of said Provisional Committee, and Company may sue and be sued in respect thereof, &c.*

16. *Copy of original deed, &c. and of all rules, &c. to be kept at the office in Calcutta, for inspection, &c. and also filed in the office of the Prothonotary of the Supreme Court, for inspection, &c and examined copy thereof to be evidence, &c.*

17. *Names of Directors, and names and designations of officers, &c to be entered in a book and kept in office of Company for inspection, &c. and memorial thereof to be enrolled and fresh memorial on changes in the direction, &c.*

18. *Names, residences, &c of proprietors, &c. and number of shares held, to be registered, &c. in a book, to be kept in office for inspection, &c. Transfers, &c. to be registered in like manner, &c.*

19. *Company to sue and be sued in its corporate name in all proceedings, whether civil or criminal, within territories of E. I. Company; all process against the Company to be solely against the corporate stock, effects, &c.*

20. *All processes and notices to be served on the Secretary, or by leaving same at Office of Company in Calcutta.*

21. *Act to continue in force till 30th April, 1854.*

By Act XIV. 1854 this Act was continued until the 30th April 1855; and by Act IV. 1855 this Act is repealed, except as to contracts made, acts done and liabilities incurred before the passing of this Act. Retained here for its historical value.

An Act for incorporating the Assam Company.

Whereas it hath been discovered, that there are in the British Province of Assam and other the North Eastern parts of India, numerous and extensive tracts of country producing the genuine Tea Plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the Tea Plant on an extensive scale:

And whereas it is considered, that the cultivation and manufacture of Tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British Territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprize of individual Capitalists, and a Society or Company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture, with a Capital of Company's Rupees 50,00,000, in 10,000 Shares of Co.'s Rs. 500 each, and certain grants of land have been already made to the said Company in Assam and the North East parts of India aforesaid, and Establishments have been formed by the said Company, for the purposes of the said culture and manufacture, and are now in operation:

And whereas the whole 10,000 Shares have been subscribed for and appropriated, and the Proprietors have actually paid up Company's Rupees 20,00,000 of the said Capital of Company's Rupees 50,00,000, and the several Subscribers are willing at their own expense to carry on the said culture and manufacture, and it would tend much to the convenience and advantage, as well of the said Subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided:

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said Company, as incidental to, or in connection with, their Tea cultivation and establishment, and whereas it is desirable that provision should be made for enabling the said Company, if they shall think fit, to avail themselves thereof, and for enabling them to increase their Capital Stock:

And whereas several of the persons hereinafter named had been appointed and acted as a Provisional Committee for the purpose of forming and establishing the said Company, and commencing

the business thereof, and the said Company has since been constituted under the provisions of a Deed of Association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed, (except the several persons, parties thereto of the second and third parts,) of the first part, Sir William Baynes, Baronet; Richard Twining; Thomas Weeding; John Alliston; Andrew Henderson; Francis Fox and William Cracroft, therein respectively described, of the second part; and Sir George Gerard de Hochepied Larpent, Baronet; John Small; Alexander Rogers; Foster Reynolds; John Travers; William Manning; William R. Robinson and Ross Donnelly Mangles, therein also respectively described of the third part: and under which Deed the business of the said Company has been commenced and carried on; and whereas in such Deed provision was made for confirming the several Acts, Deeds, Matters and Things executed and performed by the Provisional Committee in that capacity:

And Whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for, and against the Corporate Body hereby created after (and notwithstanding their Incorporation) all such property, rights, contracts and liabilities whatever, as the said existing Society or Company are, or but for such Incorporation would be, possessed of, entitled, or liable to;

I. It is therefore hereby enacted, that James Pattle, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins,

Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Elliot, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder, Henry Burkinyoung, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydney Stopford, Robert Scott Thomson, C. A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Gooroopersaud Bose, Gourmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee, Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanauth Bose, Woomachurn Bose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective Successors, Executors, Administrators and Assigns, shall be, and they are hereby united into a Company for the purposes herein declared, and shall constitute and be one Body Corporate by the name and style of the "Assam Company," and by that name shall have perpetual succession, and a common Seal, and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the Tea Plant in the lands which have already been granted to the said Company in Assam and the North-East parts of India aforesaid, and to manufacture and dispose of the Tea the growth thereof, and generally to carry on the business of cultivating the Tea Plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity, or for any term of years as the Governor General in

Council shall approve, such approval to be signified in writing, under the hand of one of the Secretaries to the Government of India, and, if requisite, to sell, dispose of, and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences, as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or prosecute the cultivation, manufacture or prepartion of all and any such other products and articles as may be found expedient for, or incidental, or assistant to, the production of Tea. Provided always that the said Company shall not engage in or prosecute the cultivation, manufacture, or preparation of Opium, Coffee or Sugar.

III. And it is hereby enacted, that the capital of the said Company shall consist of Company's Rupees 50,00,000, to be contributed in 10,000 Shares of Company's Rupees 500 each, which shall be the original Capital of the said Company, and of such further sum as may be raised by the creation and sale of new Shares as hereinafter provided for. Provided always that it shall and may be lawful for the said Company, at any time, and from time to time, to increase the Capital of the said Company to any amount not exceeding One Crore of Company's Rupees altogether, by the issue of fresh Shares, of Company's Rupees 500 each, upon such terms as to them shall seem fit.

IV. Provided always and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the Capital of the said Company.

V. And it is hereby enacted, that all and every the Grants of Land already made, obtained, or contracted for, by the said Society or Company, in the names of any Director, or Directors thereof, or any person or persons, and the plantations and works made and erected thereon, and the produce thereof, and all offices, warehouses, and buildings, and all articles whatsoever upon or appertaining thereto, or used therewith, and all property, real and personal, goods, articles, and things whatsoever purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever

therein, both at Law and in Equity, to all intents and purposes, shall henceforth vest in and belong to the said "Assam Company," and their successors in their corporate capacity, and that no individual subscriber or Shareholder thereof shall, as such, have or pretend to any estate, ownership or property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any Bye-Laws, Rules and Regulations, not repugnant to Law or to this Act, for and relating to the government and affairs of the Company, and for the government and guidance of the Directors and Officers, and from time to time to rescind, alter, and vary the same, and that the provisions of the said Deed of Association shall, until duly altered or abrogated, constitute and be deemed the first Bye-Laws, Rules and Regulations of the said Company, and shall have and take effect as such, so far and in such particulars as the same are not repugnant to Law or this Act.

VII. Provided always and it is further enacted, that nothing herein contained shall be construed to render illegal or invalid any General or other Meeting of the said Company, or of the managing body thereof, or any election, resolution, or other proceeding whatsoever held, made, or passed thereat, by reason of the same being held in pursuance of the said Bye-Laws, Rules and Regulations so contained in the said Deed of Association.

VIII. And it is hereby enacted, that a General Meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta, twice at the least in every year, and oftener, when and if need shall be, the time of holding which periodical Meetings, and the form and mode of requisition for holding special or extraordinary Meetings, and of advertizing and giving notice thereof respectively, shall be settled and determined by Bye-Law or Rule of the said Company. And that at all such General Meetings, whether periodical or special, every Proprietor, holding 5 Shares and less than 20 Shares, shall be entitled to 1 vote; 20 and less than 50 Shares, to 2 votes; 50 and less than 100 Shares, to 3 votes; 100 Shares and upwards, to 4 votes; but that no Proprietor shall be entitled to vote who shall not hold at least 5 Shares; provided, however, that except as to the present Proprietors of the said Company and the Shares now held

by them, only the Shares in respect of which any Proprietor shall claim to vote shall have been held for such period of time as is or shall be required by Bye-Law of the said Company; provided always and it is hereby enacted that votes given by proxy, according to any Bye-Law, Rule, or Regulation of the said Company, shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical meetings as aforesaid, the Books and Accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of Subscribers or Shareholders at large, and that at each of such periodical Meetings there shall be produced and presented by the Directors, or other Officers of the said Company for the time being, a true account in abstract and balance sheet showing the whole of the receipts and disbursements and operations of the said Company, commencing from the date of their next preceding periodical Meeting, and Account brought down to the date of holding such periodical Meeting at which the same shall be produced, or as near thereto as conveniently may be, and that such abstract account and balance sheet, when examined, approved or passed by such or any subsequent Meeting, shall immediately be published in the Government Gazette of Calcutta, and in two public Newspapers of general circulation at Calcutta aforesaid.

X. And it is hereby enacted, that all payments already made on account of the Shares subscribed for in the said Company shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a Certificate, signed by three Directors of the said Company, shall be delivered to every Proprietor or Shareholder of the said Company, and that any Share of the said Company shall be transferable by indorsement made on the Certificate representing such Share or Shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made. Provided always that no such indorsement shall be effectual to transfer any Share or Shares until the transfer shall have been registered, in a registry to be kept for that purpose at the Principal Office in Calcutta of the said Company, and until a note of such registration and of the date thereof shall have been made on the back of the indorsed Certificate, under the hand of the Secretary

of the said Company for the time being, or of such other Officer as shall be appointed by the said Company for that purpose.

XII. And it is hereby enacted, that the Shares of and in the said Company shall, as between the several proprietors thereof, and their real and personal representatives, and all other persons claiming under them, be deemed to be personal Estate, to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further Capital that shall become requisite for the purposes aforesaid, the several Subscribers or Shareholders shall pay up the whole or any part of the unpaid amount of their respective Shares by instalments, to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be appointed for that purpose by any Bye-Law or Regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company, by Bye-Law or Rule, to provide that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate, to be appointed by such Bye-Law or Rule, shall be paid upon such instalment, from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company; and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any Share or Shares on the non-payment of any such instalment and interest, or the restoration of any forfeited Share or Shares. Provided that no such forfeiture shall be incurred until after default shall have been made for at least three calendar months.

XV. And it is hereby enacted, that the said Company shall have the benefit of and shall be bound by all the Contracts, Acts, Deeds, Matters and Things which up to the passing of this Act, have been done, executed and performed by the Provisional Committee, or the Partnership Association constituted under the said Deed of the 31st January 1840, and hitherto known as the Assam Company, for the purpose of forming and establishing the said Company, or by, or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or

property thereof, or in any wise relating thereto. And the said Company shall and may, in manner hereinmentioned and provided in that behalf, sue and be sued thereon, and in respect thereof and shall have and be subject to the like rights and liabilities in respect thereof, as the said Partnership Association or the Members thereof would have been.

XVI. And it is hereby enacted, that a copy of the Original Deed of Association of the said Company, and copies of all Rules, Orders, Bye-Laws, Regulations or Proceedings of the said Company, or other Instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of the said Original Deed of Settlement, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office, and a copy of such Original Deed of Settlement, and a copy of each such Rule, Order, Bye-Law, Regulation, Proceeding or Instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such Rule, Order, Bye-Law, Regulation, Proceeding or Instrument, hereafter to be made, in the Office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such Office, and an examined copy of each such filed copy as aforesaid, certified by and under the hand of the Prothonotary for the time being of the said Supreme Court, shall be good and sufficient evidence of each such Original Deed, Rule, Order, Bye-Law, Regulation, Proceeding or Instrument in all Actions, Suits and Proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate or other Officer, whether acting judicially, or in any proceeding preliminary to a judicial enquiry, throughout the Territories for which the Governor General in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name of each and every Director of the said Company, and also the name and proper official description of each and every Officer of the said Company, and of every person acting and officiating for the time being as such Officer, to be entered in a book, to be kept at the said Principal Office in Calcutta of the

said Company, to be there open to the inspection of all persons during the usual hours of business of the said Office, and shall also, within six months from the time of passing this Act, cause a Memorial of the said names and descriptions respectively to be enrolled in the said Office of the Prothonotary of the said Court, and a fresh Memorial thereof to be from time to time enrolled as often as any change or changes shall be made or take place either in the direction aforesaid or in any of the said Offices.

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence, and descriptions of the business, profession, or employment of the proprietors of Shares in the said Capital Stock, and the number of Shares held by each Proprietor, to be registered in a book and numbered in a regular consecutive series, beginning with No. 1, and such book shall be kept at the said Office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of Ownership in any Share or Shares shall be entered in manner above mentioned, with the like particulars above mentioned, in the said book, and against the original entry of such Share or Shares shall be entered a note of every such change of Ownership or transfer, with a sufficient reference to the place or places in such book wherein is or are made the entry or entries of the name or names, place or places of residence and descriptions of the Proprietors to whom or in whose favor such transfer or change, transfers or changes, shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue and be sued, and described in and by its said corporate name and not otherwise in all proceedings whatsoever, whether Civil or of a Penal or Criminal character, and whether the same be the proceedings of any Court, or of any Magistrate or other Officer executing any enquiry, either preliminary to, or in the nature of a judicial investigation or enquiry, and shall, for all purposes of jurisdiction, be capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character, and capacity, in and before any such Court, Magistrate or Officer within any of the Territories for wihch the Governor General in Council has power to legislate, in respect of all matters and things

over which such Court, Magistrate or Officer respectively may have jurisdiction, and to the extent of such jurisdiction in like manner as the same may, for the time being, be there had by or against any British subject or subjects within the said Territories; Provided always that no process or proceedings whatsoever, whether of a mesne or judicial nature, shall be had against the person or property of any individual Members, Shareholders, or Subscribers of the said Company, either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or panalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the Corporate Stock, Property and Effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever which by law, or by the practice of any Court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a proceeding to be had *ex-parte* in the absence of a party to a suit or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct or prosecution of any suit or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company in reference to any proceedings therein pending, shall and may be made and given in addition to all ways and means by which the same may otherwise be legally made or given upon, or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and officiating as such, or by leaving the same addressed to the said Secretary, or person acting and officiating as such, at the said Principal Office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April, 1854.

NATIVE ARMY.—ARTICLES OF WAR.

ACT No. XX. OF 1845.

[*Passed on the 6th Sept.* 1845.

Recites Act of 3 *and* 4, *W.* 4, *empowering the G. G. in C. to make Articles of War for Government of Native Army, &c. Enacts the after mentioned Articles of War from the 7th October,* 1845.

ARTICLES OF WAR.

SECTION I.—*Of Enlisting and discharges.*

Article 1.—*Every recruit to have first four Articles of Section* 2 *read, &c. to him; after which oath or declaration shall be required of him.*

Article 2.—*No Commissioned Officer to be dismissed, except by Sentence of G. C. Martial nor any Non-commissioned Officer or Soldier except by Sentence of C. M. or order of Commander-in-Chief of Presidency. Pension to be forfeited on discharge, &c. Provided, sentence of discharge by C. M. inferior to G. C. M. not to be carried into effect without concurrence of Commander-in-Chief, &c. But the G. G. in C. in his executive capacity and G. in C. &c. empowered to order dismissal or discharge.*

Article 3.—*Non-commissioned Officers and Soldiers discharged, to be furnished with Discharge Certificate, expressing, &c.*

Article 4.—*Non-commissioned Officer or Soldier enlisting in other regiment without a regular discharge to be liable to be treated as a Deserter.*

SECTION II.—*Crimes punishable with Death, Transportation, &c.*

Article 5.—*Officer or Soldier beginning, &c. exciting, &c. mutiny, or being present and not endeavouring to suppress it, or coming to the knowledge of, &c. and not giving information to Commanding Officer.*

Article 6.—*Striking superior Officer, or drawing, &c. weapon, or using, &c. any violence, &c. on or off duty, &c.*

Article 7.—*Disobeying lawful command of superior Officer.*

Article 8.—*Deserting from E. I. Co.'s service.*

Article 9.—*Being sentry, in time of war, &c. sleeping, &c. or leaving his post, shamefully, &c.*

Article 10.—*Abandoning, &c. any garrison, &c. or using means to induce abandonment of garrison, &c.*

Article 11.—*Treacherously making known the watch-word, &c.*

Article 12.—*Holding correspondence with, or giving intelligence to enemy, &c.*

Article 13.—*Directly or indirectly assisting, &c. the enemy, or harbouring enemy, &c.*

Article 14.—*Treacherously releasing, &c. any enemy, &c. placed as a prisoner under his charge.*

Article 15.—*Misbehaving himself before the enemy, &c.*

Article 16.—*In presence of enemy, &c. casting away his arms, &c.*

Article 17.—*Leaving his Commanding Officer, post, colors, or party in time of action, to go in search of plunder.*

Article 18.—*In time of war doing violence to any person bringing provisions, &c. forcing a safeguard, breaking into house, &c. for plunder, or plundering fields, &c.*

Article 19—*In time of war, intentionally occasioning false alarms, by discharging fire arms, &c.*

Article 20.—*Without proper authority releasing state prisoners, &c.*

Article 21.—*Being a sentry over state prisoner, &c. quitting his post, &c.*

Punishments.—*If an officer, to suffer death or transportation for life, or be dismissed the service; and, if a soldier, death or transportation for life, or imprisonment, &c. or corporal punishment, or dismissal, &c. as by a G. C. M. shall be awarded.*

Crimes not punishable with Death.

Article 22.—*Officers or soldiers spreading reports, &c. calculated to create unnecessary alarm, &c.*

Article 23—*In or previous to action, using words tending to create alarm, &c.*

Article 24.—*Being drunk when on or for duty, or on parade, &c.*

Article 25.—*Any soldier being grossly insubordinate, &c. in the ranks or in presence of Court Martial, shall, if an officer, be dismissed, &c. or suspended, &c and if a soldier, be punished as C. M. shall award, but not with death, transportation, or imprisonment with hard labour.*

Article 26—*Officer behaving in a manner unbecoming an officer, &c.*

Article 27.—*Officer or soldier under arrest, leaving his confinement. &c.*

Article 28.—*Advising or persuading other officer or soldier to desert, &c. conniving at desertion, &c. receiving deserter, &c.*

Article 29.—*Obtaining, &c. for officer, &c. any pension, &c. by false statement, &c.*

Article 30.—*Knowingly making false return, &c. of the state of the men under his command, or of arms, &c.*

Article 31.—*Malingering, feigning or intentionally producing disease, &c.*

Article 32.—*At any post, or on march &c. extorting money, &c. as fees, &c. or extracting from villagers, carriage, &c.*

Article 33.—*Wantonly and intentionally defiling place dedicated to religious worship, &c. or insulting religious prejudices, &c.*

Article 34.—*Without orders committing waste, &c. or destroying property.*

Article 35.—*Soldier off duty, contrary to orders, appearing in camp, &c. or on occasion of visiting towns, &c. carrying sword, &c.*

Article 36.—*Selling, pawning, &c. horse, &c.*

Punishment of above offences :—*If an officer, dismissal from the service, or suspension from rank, &c.; if a soldier, such punishment as a General, District or Garrison C. M is by these articles empowered to award.*

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

Article 37.—*Officer or soldier embezzling, &c. money &c. or provisions, &c. or*

spoiling, &c. property, or conniving at above crimes, shall, on conviction before G. C. M. be dismissed the service, fined, &c. and liable to imprisonment, &c.

Article 38.—*Soldier guilty of disgraceful conduct, in maiming himself, &c.;* (39) *in purloining, &c. Government stores;* (40) *in stealing money, &c. the property of a soldier, &c.;* (41) *in embezzling, &c. public money;* (42) *in committing paltry offence of a fraudulent nature, &c.;* (43) *or guilty of other disgraceful conduct, being of a cruel, indecent, or unnatural kind :—*

Punishment—*Such as G., D, or Garrison C. M. may under these articles award for disgraceful conduct, and offender, if not dismissed, shall be put under stoppages, &c. and, if dismissed, shall forfeit arrears of pay, &c.*

Crimes not punishable with Corporal Punishment, or Imprisonment with Labor.

Article 44.—*Officer, &c. striking, &c. any soldier.*

Article 45.—*Sentry in time of peace sleeping on his post, or leaving it, &c.*

Article 46.—*Officer, &c. knowingly enlisting a deserter, &c.*

Article 47.—*Directly or indirectly requiring, &c. a bribe, &c as a consideration for procuring leave of absence, &c.*

Article 48.—*Not seeing reparation done to parties injured in manner specified, or not reporting case to Superior Officer.*

Article 49.—*Refusing to receive prisoner duly committed, &c.*

Article 50.—*Quitting guard or picquet in time of peace, &c.*

Article 51.—*Impeding Provost Marshal, &c. or refusing to assist him, &c.*

Article 52.—*Being absent from his regiment, not rejoining same on proper information of its being ordered on service.*

Article 53.—*In time of peace, occasioning false alarms, &c. discharging fire arms, &c.*

Article 54.—*Omitting to repair to parade at fixed time, &c.*

Article 55.—*Quitting his Troop or Company without leave, &c.*

Article 56.—*Absenting himself without leave, or overstaying his time, &c.*

Article 57.—*Being found two miles from camp contrary to order, &c.*

Article 58.—*Contrary to orders, being absent from cantonment after tatoo, &c. or from camp, &c.*

Article 59.—*Selling, losing, wasting, &c. ammunition, &c.*

Article 60.—*Crimes not capital, and disorders or neglects, to the prejudice of good order and military discipline, not specified in these articles to be cognizable by C. M. and punished according to nature and degree of offence, &c. but not with corporal punishment or imprisonment with hard labor.*

Crimes incident to Courts Martial.

Article 61.—*Person amenable to Articles of war, duly summoned before Court Martial, and not attending, refusing to be sworn, &c. shall be punished by same or another C. M. in manner specified.*

Article 62.—*Persons not amenable to Articles of War, committing above offences, to be delivered over to Magistrate, &c.*

Article 63.—*Person using menacing or disrespectful words, &c. in presence of a C. M. then sitting, &c. shall be punished according to condition of offender, &c.*

Article 64.—Officer or Soldier guilty of wilfully giving false evidence, &c. before G. or other C. M.; or of inducing other person to do so; to be dismissed, &c. the Service, &c.

Crimes admitting of less serious notice.

Article 65.—Permits, on application to, and with consent of General or other Officer, &c. crimes requiring less serious notice, to be tried by District, Garrison or Regt. C. M. but not mutiny, &c.

Offences on the line of March, or on board vessels.

Article 66.—For offences, committed on line of March, or on board ship &c. the Officer in command may try Soldier by Regimental or Detachment C. M. and confirm and execute sentence, &c. but sentence not to exceed that which R. C. M. is competent to award, &c.

SECTION III.—*Administration of Justice.*

Article 67.—Officer or Soldier committing Crime deserving punishment by C. M. to be put under arrest, &c.

Article 68.—No person to be fined or punished for offence committed more than three years before, &c. except in case of specified impediments to earlier trial and then trial to take place not more than two years after expiration of impediment.

Article 69.—Offender may be tried in any place where he may come after commission of offence

Article 70.—Gives power to Commander-in-Chief at the different presidencies to appoint G. or other Courts-Martial; confirm, &c. Sentences; by warrant to authorize General Officers, &c. to appoint C. M. &c.

Article 71.—G. C. M. not to consist of less than thirteen commissioned officers, except when held out of the E. I. Co's territories, and then of seven. Sentence not to be put in execution until reported to C.-in-C, &c and confirmed, &c.

Powers of General Court Martial.

Article 72.—G. C. M. may sentence to death or transportation for crimes liable to those punishments When punishment is not defined by these articles, in case of Commissioned Officer, G. C. M. may adjudge dismissal from service, &c and may sentence non-commissioned Officer to dismissal, &c. and soldier to suffer two hundred lashes, &c.

Conformation and Commutation of Sentence by C.-in C.

Article 73.—Sentence of death may be commuted by C.-in-C. into transportation for life, &c. and transportation, in case of Commissioned Officers, to dismissal from service, &c. and dismissal, in like case, into suspension from rank and pay, &c. and transportation in case of soldier, to imprisonment, &c. and corporal punishment and dismissal, &c. or, in case of non-commissioned Officer to reduction to the ranks, &c. and in like case may commute sentence of

dismissal to reduction to the ranks, &c ; like power as to sentence to imprisonment with hard labor, &c.

Article 74.—District or Garrison C. M. to consist of not less than seven Commissioned Officers, except in specified circumstances, when it may consist of five, &c. Sentence of, requires confirmation. Commander-in-Chief may remit, mitigate, or commute sentences of such C. M.

Powers of District or Garrison Court Martial.

Article 75.—D. or G. C. M. may sentence non-commissioned Officer to be reduced to the ranks, &c. or dismissal, &c. or placed lower, &c. and soldier to be dismissed, to suffer corporal punishment, &c. or imprisonment, &c. and in addition, to forfeit additional pay or pension, &c.

Article 76.—Reg. C. M. to consist of five or in specified circumstances three Commissioned Officers; and be assembled by order of Commanding Officer of Regiment. Sentence to require confirmation of Commanding Officer. Sentences of corporal punishment, &c. not to be carried into effect without sanction, &c. of Officer commanding the division, &c. except in detached situations, &c. where an immediate example is necessary.

Powers of Regimental Court Martial.

Aticle 77.—Same as of District C. M. except as to amount of corporal punishment, and length of imprisonment and punishment, and extent of forfeitures, which it may award.

Article 78.—Officer commanding detachment of his own regiment may assemble Reg. Detachment C. M. and Officer commanding detachment from different corps may assemble Detachment or Line C. M. &c. Sentence to require confirmation of Officer commanding the Regiment, in certain cases.

Article 79.—Officer convening may instruct the C. M. when not to make corporal punishment or solitary confinement part of its sentence.

Execution of Sentence of Court Martial.

Article 80 —In Sentence of death, Court shall specify the mode of execution in prescribed form of words.

Article 81.—Sudder Courts to carry into execution sentences of transportation, &c. and judge, &c. sentences of imprisonment.

Article 82.—Commander-in-Chief may order transportation beyond sea, of soldier under sentence of transportation for life, &c.

Article 83.—Commander-in-Chief may order persons under sentence of imprisonment, to be imprisoned in any public prison, &c.

Article 84.—Soldier previous to undergoing imprisonment with hard labor, to be struck off the strength of his corps, &c.

Offenders sentenced to dismissal for Disgraceful Conduct.

Article 85.—Such offenders when subjected to corporal punishment, or imprisonment with hard labor, to be dismissed with ignominy.

Article 86.—Fine or stoppages adjudged by C. M. may be satisfied out of arrears of pay, &c. No soldier to be continued under forfeiture longer than one year, nor at any one time to more than half his pay or allowances, &c.

Forms of Proceeding.

Article 87.—Trials to take place between the hours of 6 A. M. and 4 P. M. except, &c.

Article 88.—At General Court Martial a Judge Advocate or European Officer of not less than ten years' service, to conduct the proceedings; and European officer of not less than four years' standing at C. M. inferior to General, except, &c.

Article 89.—C. M. to have an interpreter, &c.

Article 90.—Senior Officer to be President. Native Officers how to rank Trial to go on in case of death, &c. of President, if the requisite number of Officers present, &c.

Article 91.—No finding or sentence to be revised more than once: on revision, no evidence to be received. Same members to be convened for revision of sentence, &c.

Manner of Voting.

Article 92.—C. M. in giving votes, to begin with the youngest memebr; except when death is awarded, decision to be according to the majority; in case of equality, decision to be in favor of prisoner, except in question of finding. President to have a casting vote.

Article 93.—Sentence of death not to be given, unless two-thirds of the members present concur, &c.

Affirmations.

Article 94.—Affirmation to be administered to Interpreter; also to each member; also to Judge Advocate or Superintending Officer.

Article 95.—Witnesses to be examined on oath or affirmation, according to the forms of their religions, &c. Wilful false evidence to be punished as perjury.

Summoning Witnesses not amenable to these Articles.

Article 96.—Such witnesses to be summoned by magistrate on requisition of Judge Advocate, &c.

Powers and Duties of Provost Marshal.

Article 97.—For repression of irregularities, &c. in the field and on line of march, Provost Marshal to be appointed. Their duties, their powers, how limited.

Trials by European Court-Martial.

Article 98.—Continues to native troops the privilege (where it already exists)

of claiming to be tried by C. M. composed of European Officers. G. G. of I. in C. may give this privilege to native troops in any presidency.

SECTION IV — *Effects of the Dead.*

Articles 99 *and* 100.—*Officer or soldier, &c. dying, &c. Commanding Officer, &c shall, if no heir or executor appears, secure his effects, &c. Effects to be publicly sold; and, after payment of debts, &c. residue to be accounted for to heir or other representative, &c. or remitted to General Treasury.*

SECTION V.—*Miscellaneous.*

Article 101.—*Effects of deserter to be publicly sold, and, after payment of debts, &c residue to be remitted to General Treasury.*

Article 102.—*Powers under these articles relating to Commander-in-Chief, shall belong to Commander-in-Chief at any presidency, &c. and powers relating to soldiers to extend to non-Commissioned Officers.*

Article 103.—*Troops of one presidency, serving in another presidency, to be deemed to be under orders of Commander-in-Chief, in latter presidency, &c unless Governor General otherwise orders, &c.*

Article 104.—*Officer commanding E. I. Co.'s troops in places out of H M.'s dominions, &c. shall, on complaint, &c. of offences, &c. summon a G. C. M. though not authorized by warrant. Such C. M. to consist of three Officers at least, and to have all powers of G. C. M. under these articles. But sentence to be confirmed, &c.*

Article 105.—*Only G. C. M. shall have power to try Commissioned Officers or to sentence to death, or transportation.*

Article 106.—*No person acquitted or convicted before C. M. to be tried a second time for same offence, but previous conviction, &c. may be given in evidence, &c. for purpose of affixing punishment.*

Article 107.—*Non-Commissioned Officer not to be reduced to the ranks, but by sentence of a C. M. or by order of C.-in-C. &c.*

Article 108.—*Officer or soldier thinking himself wronged by his superior officer, is to complain to Commanding Officer of his troop or Company, &c.*

Article 109.—*In case of light offences Commanding Officer may award extra drill, &c. restriction to barrack room, &c. confinement in quarter guard, &c.*

Article 110.—*Officer or soldier, taken prisoner, shall forfeit pay, &c. while a prisoner, but on returning to service, &c. shall be entitled to pay. if he can establish facts specified in articles.*

SECTION VI.—*Mode of Dealing with Offences not Military.*

Articles 111 *and* 112.—*Offenders under this head to be delivered over to civil functionaries, unless in places where H. M. may have no civil functionaries, &c.*

Articles 113, 114 *and* 115.—*G. C. M. shall have cognizance of offences punishable with death, transportation and imprisonment for life, or a term of seven years. District or Garrison C. M. cognizance of offences, punishable with impri-*

sonment for three years, &c. and Regimental Detachment and Line C. M. of offences punishable with six months' imprisonment, &c.

Punishment of Death.

Article 116.—*Murder to be punished with death, by hanging, &c. Killing one person, with intent to have killed another, to be deemed murder. Also wilful injury, though not intended for any person in particular, but killing any person, to be deemed murder.*

Punishment of Transportation.

Article 117.—*Breaking, &c. by day or night into any dwelling house, &c. with intent to rob or steal; robbery or attempt to rob, stealing, &c. in house or from the person, accompanied respectively with attempt to commit murder, &c. shall be punished with transportation for life, &c.*

Imprisonment for Fourteen Years.

Articles 118, 119, 120, 121, 122 *and* 123.—*Last mentioned offences accompanied with wounding, &c. not endangering life; wounding with intent to murder, &c. another person: robbery by open violence, or dacoity, &c; breaking into dwelling house, &c. between sunset and sunrise, with intent to rob, &c. or actually stealing from such dwelling house, &c not exceeding one hundred Rupees, Purchasing, &c. stolen property, punishable with imprisonment, &c. not exceeding fourteen years.*

Imprisonment not exceeding Seven Years.

Articles 124, 125, 126. 127, 128, 129, 130, 131, 132, 133, 134 *and* 135.—*Culpable homicide not amounting to wilful murder; premeditated affray, attended with homicide, &c.; intentionally wounding, &c; accidentally wounding, &c. with intention of injuring some other person; breaking into dwelling house, tent, &c. between sunrise and sunset, with intent to steal, &c. stealing, &c. any property exceeding three hundred Rupees in value, &c. purchasing stolen property, &c. exceeding same value, &c. Arson; unnatural crime; rape; enticing and taking away &c. unmarried women, under the age of sixteen years; stealing child under eight years, punishable with imprisonment, &c. not exceeding seven years.*

Imprisonment not exceeding Three Years.

Article 136.—*Commander-in-Chief, &c. may authorise District or Garrison C. M. to try soldiers for above offences, but with power to sentence only to imprisonment, &c. not exceeding three years.*

Articles 137, 138 *and* 139.—*Officer or soldier convicted by G. D. or Garrison C. M. of stealing, &c. property exceeding fifty and not exceeding three hundred Rupees in value; of having purchased, &c. stolen property not exceeding three hundred Rupees in value; or of having stolen property in his possession, &c. punishable with imprisonment, &c. not exceeding three years.*

Article 140.—*Regimental Detachment or Line C. M. may sentence to imprisonment not exceeding six months, for offences for which no punishment exceeding imprisonment for three years with hard labor is provided.*

Articles 141 *and* 142.—*Stealing property to value of fifty Rupees or less; committing assault, &c. punishable with imprisonment, &c. not exceeding one year, by sentence of G. D. or G. C. M. and not exceeding six calendar months, by sentence of Regimental, D. or L. C. M.*

Articles 143 *and* 144.—*Resisting process of Magistrate, &c. and any offence not provided for in articles of war, punishable with imprisonment for not less than two years, one year, and six months, by sentence of General, C. M. District, or Garrison, and R. D. or Line C. M. respectively.*

Article 145.—*Aiding and abetting, &c. offences punishable in same manner as the principal offences.*

Article 146.—*No sentence of death to be carried into effect, until confirmed by the Commander-in-Chief, nor until such confirmation has been concurred in by presidency Government, if trial has been had within limits of presidency.*

Article 147.—*Commander-in-Chief may confirm sentence of death, or commute it, &c.*

Article 148.—*Sentence of transportation not to be carried into effect until confirmed. Commander-in-Chief may commute it, &c.*

Article 149.—*Any officer having authority to confirm, may remit or mitigate sentence, &c.*

Article 150.—*No sentence of imprisonment with hard labor passed by R. D. or L. C. M. and no award of discharge, &c. shall be carried into effect without sanction of Officer Commanding Division, &c.*

Article 151.—*No person tried by C. M under Articles of war shall be tried for same offence in any other Court, and after trial in civil Court, C. M. not to punish otherwise than by cashiering or dismissal, &c.*

Article 152.—*Continues regulations relating to the powers of Commissariat Officers, &c.*

SECTION VII.—*Application of the Articles.*

Article 153.—*To what persons and classes these articles to apply, viz. all officers, soldiers, all drivers, farriers, &c. provided that persons of European descent' &c professing the Christian religion, shall not be amenable to these articles, &c. but shall be tried as persons who are subject to the Mutiny Act, &c.*

Promulgation of Articles.

Article 154.—*The above articles to be translated into the languages of the different presidencies, and specified parts to be read every six months, at the head of every regiment, &c.*

An Act providing Articles of War for the Government of the Native Officers and Soldiers, in the Military Service of the East India Company.

Repealed by Act 19, 1847.

BENGAL.—MERIAH SACRIFICES.

ACT NO. XXI. OF 1845.

Passed on the 13th Sept. 1845.

1. G. G. in C. by order in Council may remove from jurisdiction, &c of the Commissioner, &c. of tributary mehals in Cuttack, specified tributary estates, and place them under jurisdiction of agent for suppression of Meriah sacrifice, &c.

2. Same provision as to tracts of country under superintendence of Agent to the G. G. on the south west frontier.

3. Same provision as to Ganjam and Vizagapatam.

4. Similar provision as to zillah Rajamundry.

5. Agents, &c. appointed under the Act, to be guided by instructions from the Government of India, &c.

6. G. G. in C. may prescribe rules for the guidance of said Agents, and determine in what cases there shall be an appeal from the decision of the said Agents.

An Act respecting the appointment and powers of Agents for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

I. It is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II. of 1816 of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor General, South West Frontier, any portion of the tracts of Country, comprised in that Agency, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the

Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of Country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hererby enacted, that it shall be lawful for the Governor General in Council, by an order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall, in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Government.

VI. And it is hereby enacted, that it shall be competent to the Governor General in Council, through the Governments of the aforesaid Presidencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

GOVERNOR GENERAL.

ACT No. XXII. OF 1845.

[*Passed on the 20th Sept.* 1845.

1, *Recites expediency of G. G. visiting the N. W. Provinces and other parts of India, &c.*

Enacts that during his absence from Council, he may exercise all the powers of G. G. in Council, except such as may by a resolution in C. be exercised by the President in Council, and that of making Laws and Regulations.

2. *Act to commence from time when it is notified that the G. G. has quitted Calcutta, &c.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

UNION BANK ACT.

ACT No. XXIII. OF 1845.

[*Passed on the 22nd Nov.* 1845.

Recites deed forming co-partnership under the name of "The Union Bank of Calcutta," and difficulties of Bank suing and being Sued. Enacts that all actions in respect of causes of action vested in the co-partnership or in trustees for the same and all proceedings on behalf of the Bank, shall be instituted, &c. in the name of the Secretary or Treasurer for the time being, and all actions and proceedings against the said co-partnership, shall be against the Secretary or Treasurer, for the time being, as the nominal defendant, &c. and actions, &c. not to abate by death, removal, resignation, &c of such officer.

2. *In indictments and other criminal proceedings for offences relating to property of the Bank, &c property, whether vested in the Bank or in Trustees for the Bank, may be described as the property of the Bank, &c. and in all proceedings, the name of the Secretary, &c. may be substituted for the names of the individual proprietors.*

3. *Actions against the Bank, upon or arising out of contracts with the Bank, not to be defeated, by reason of plaintiff being a partner or shareholder, &c.*

4. *Actions by Bank arising out of contract, &c in like manner not to be defeated by reason of the defendant being a member or shareholder.*

5. *The Directors shall cause a memorial, in the form given in Schedule, of the names, &c. of the Directors, &c. and of the Proprietors, &c. to be verified, &c. and enrolled in Supreme Court, &c. and new memorial within twelve months after any change, &c. Person making false declaration, to be guilty of misdemeanor.*

6. *Until memorial is enrolled, no action to be brought by Bank, under this Act; persons appearing in last memorial, to be liable till new memorial.*

7. *Examined copy of memorial to be received in evidence as proof of contents of memorial, &c.*

8. *Decree, &c. of any Court, &c against Secretary, &c shall have like effect against property of Bank, as if all the partners were parties to the action.*

9 *In case execution shall have been issued against funds of the Bank, and be ineffectual, &c. execution may be issued against individual proprietors successively, &c. Provided that individuals against whom execution shall be issued, shall be entitled to be reimbursed out of funds of Bank, and if they are insufficient, by proprietors for the time being. Also if execution against Secretary, &c. is ineffec-*

tual, execution may be issued against persons who were members at the time the contract was entered into, but past members to be liable only according to the general law of partnership.

10. *Proprietor against whom execution has been levied, if not reimbursed within one month out of funds of the Bank, may recover by action, &c. a rateable part thereof against the proprietors, according to the proportionate number of shares held by them respectively.*

11. *Secretary, Treasurer, and Members, though parties to the proceeding, not to be incompetent as witnesses.*

12. *Members who have parted with their shares, but have a claim on the dividends, may have the privilege of suing, given by this Act, and shall be liable to the remedies given by this Act.*

13. *Proceedings in any one action, &c. under this Act shall be a bar to any fresh action for the same cause of action against any other parties liable in the same character as Secretary or member.*

14. *This Act not to be held to incorporate the said Bank, or discharge it from any liability, &c. either as between the Bank and other parties, or the Bank and its individual members, &c.*

15. *This Act to extend to the Bank during the continuance of the co-partnership, notwithstanding change in the constituent members thereof.*

SCHEDULE *(1) Original memorial of Directors, Secretary, and Members. (2) Memorial in case of change of Directors or Secretary. (3) In case of retirement of Members. (4) In case of new members.* (5) *Memorial of several changes.*

Act III. 1849 was passed to facilitate the discharge of Shareholders from their liabilities on the failure of the Bank.

An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

Whereas by and under a certain Deed of Partnership or Association or an Agreement in writing of that nature bearing date the First day of August 1839, several persons have formed themselves into a certain Company or co-partnership by the name of "The Union Bank of Calcutta," by which said Deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of exchange payable at such time after date or sight as the Directors for the time being should fix to parties who should require the same and deposit the amount of such Bills in the said Bank, which

deposit should bear interest at such rate as the Directors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the Security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted Security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta; and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to the sum of 1,000,000,* of Company's Rupees, with certain provisions for increasing the same, when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose. And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; therefore, for obviating and removing the difficulties aforesaid—It is hereby enacted, that from and after the passing of this Act, all actions, suits and other proceedings whatsoever, at Law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank in whomsoever the same may for the time being be vested, whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Union bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent debtors against any person or persons indebt-

* The Capital of the Bank is 100,00,000: but the Act has the above number.

ed to the said Union Bank, and liable to have been made Insolvent by the Laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted, or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested, against any person or persons, body or bodies, politic or corporate, or others, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits, and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts, or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors, of or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer or the Bankruptcy or Insolvency of such Secretary or Treasurer, shall not abate or prejudice any action, suit, or other proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank, for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzle-

ment, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities, or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and Securities, and other real and personal property, in whomsoever the same may be vested, whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be said to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer, shall not abate or render defective or in any wise affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action, being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in, the said Union Bank, but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners in, the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he

or they might have had if he or they had been a stranger or strangers, and not a Member or Members, Shareholder or Shareholders, Partner or Partners of, or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act, upon, or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account shall be in any wise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in any wise interested or concerned in such action being a Member or Members, Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank, but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof, either alone or jointly with any other person or persons, upon any contract, and upon and for any debt, damage, or demand whatsoever which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial, in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of, containing the name, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing, to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary, or some one of the said Directors, for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 calendar months next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected, a like Memorial shall be verified and enrolled as aforesaid, specifying in whose place or places, he or they shall be appoint-

ed within 12 calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank, a Memorial of his, her or their names shall be in like manner verified within 12 calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors, in the Form expressed in the said Schedule for that purpose; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank, a Memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within 12 calendar months afterwards, according to the Form in the said Schedule. Provided always that if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed, no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled, in the event of any person or persons ceasing or discontinuing to be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled, as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree and other proceedings under this Act, in the same manner as if he, she, or they, had not ceased or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Monuments for the time being of the said Supreme Court of Judicature, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the Territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank, shall, subject to the express provisions of this Act, have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always and it is hereby further enacted, that in case execution, upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank, as defendant or respondent or otherwise, shall have been issued and taken out against the funds and property of the said Union Bank, under the provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other Individual Proprietor or Proprietors of the said Union Bank successively, as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted, or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter mentioned, shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges, as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges, then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recover-

d thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank, to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of Law as Partners in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every Member of the said Union Bank against whom any execution shall be issued upon any judgment or decree under the authority of this Act should have an easy and expeditious mode of recovering all such losses, damages, costs and charges, as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit, or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not, within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expenses as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such monies or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid, into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into and each and every Proprietor for the time being of any share or shares in the said Company shall, in proportion to the number of shares which he or she may hold in the said Union Bank, pay one

or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators. and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the Proprietor or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the Proprietor, or the Executors or Administrators of any Proprietor who shall so neglect or refuse as aforesaid in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any Member of the said Union Bank being the plaintiff, appellant, petitioner or prosecutor, or being of the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts, and within the limits aforesaid, by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution, or indictment; but such Secretary or Treasurer, or Member of the said Union Bank, as aforesaid, shall and may, if not otherwise interested or objectionable, be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices, and others, within the limits aforesaid in any such action, suit, petition, proceeding, prosecution or indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent in any such action, suit, petition, proceeding, prosecution or indictment, or other proceeding.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her, or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the

said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being, and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name, by and on behalf of the said Company, any suit or other proceeding in any Court of Equity within the limits aforesaid, against any individual Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, against whom the said Union Bank generally may have any claim or demand, and all such suits and proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation, or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in case, for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank, shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her, or them so to do—any thing in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank, shall, when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits, which may have been brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act if so determined, may be pleaded in bar of any action or actions, suit or suits, in any of the Courts aforesaid for the same

cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not, and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits, in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever, to which by law they now are or at any time hereafter may be, subject or liable, either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual Members of the said Union Bank, or any of them and others or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act, and the provisions herein contained, shall extend and be construed to extend to the said Company, called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been, or be now, or shall hereafter be, composed of all, or of some of the persons, who were the original Members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union Bank be, at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Memorial made the day of of the names of the present Direc-

Original Memorial of Directors to (a)Secretary and Members.

tors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "An Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D. of and E. F. of	Directors.
G. H.	Secretary.
I. J. K. L., &c.	Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer, and of all the persent Proprietors of the said Union Bank, as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Act, substituting declarations in lieu of Oaths and Affirmations.

Declared, &c. before me, Master of the Supreme Court of Judicature.

(Signed) C. D.

In the case of change of Directors or Secretary.

Memorial made the day of of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed, pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of	Director in the place of A. B.
G. H. of	Secretary in the place of C. D.

I, E. F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the day of 18

Memorial made the day of of the names of

(a) *Sic* in Act.

In the case of retirement of Members.

the persons who have ceased or discontinued to be Members of the Union Bank of Calcutta, since the day of , being the date of the Memorial last registered respecting the Members of the said Union Bank, enrolled pursuant to an Act passed &c. intituled, &c.

A. B. of

I, E. F., of , one of the Directors or Secretary of the said Union Bank, do so emnly and sincerely declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Members of the said Union Bank since the day of
and I make this solemn declaration (as before)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to retirement of Members was enrolled on the day of One Thousand Eight Hundred and

Memorial made the day of of the names of

In case of new Members.

the persons who have become new Members of "the Union Bank of Calcutta" since the
day of One Thousand Eight Hundred and
(being the date of the Memorial last registered respecting new Members of the said Union Bank,) enrolled pursuant to an Act, &c.

J. K. of
L. M. of

I, A. B., of , one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the
day of One Thousand Eight Hundred and
and I make this solemn declaration, &c. (as before)

(Signed) A. B.

Declared, &c. &c.

N. B. The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Memorial made the day of of the names of the new Directors and Secretary of the Union Bank of Calcutta and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be members of the said Union

Memorial of several changes.

Bank, and of the new Members, of the said Union Bank, enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

E. F. of in the place of A. B. of

G. H. of in the place of C. D. of

Names of the persons who have ceased to be Members.

A. B. of

C. D. of

Names of New Members.

J. K. of

L. M. of

I, E. F., of one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the new Directors and Secretary of the said Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the Books of the said Union Bank, and I make this Solemn Declaration, &c. (as before.)

Declared, &c. &c. } (Signed) E. F.

N. B. The last Memorial as to new Secretary was enrolled on the day of One Thousand Eight Hundred and

The last Mmorial as to new Directors was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to the retirement of Members was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

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BENGAL--PILOT COURT.

ACT No. XXIV. OF 1845.

[*Passed on the 22nd Nov.* 1845.

1. *If any person in pilot service shall be accused of breach of duty, &c. and it appears to Superintendent of Marine, he should be brought to trial, he shall be tried before Court composed of President, two Merchants, &c. four Commanders, &c. and two Branch or Master Pilots, &c.*

2. *President to be appointed by Governor of Bengal.*

3. *Superintendent of Marine to convene the Court by notice to the President, and summons to two Merchants, &c. The Court to consist of at least four members, and decide according to vote of majority, President having a casting vote.*

4. *In case President, after Court has met, shall be prevented by sickness from attending, the members, not being less than five, may elect a President, &c.*

5. *Persons summoned by Superintendent and neglecting, &c. to attend, &c. or to remain in attendance, to be liable to be fined 200 Rupees, and J. P. to enforce such fine as if imposed by himself.*

6. *Proceedings before Court to be conducted by Judge Advocate, &c.*

7. *Judge Advocate may summon witnesses to be examined before Court, &c. or in specified cases, before President and two members of the Court, &c. but notice of examination to be given to party accused, &c.*

8. *Witness to be privileged from arrest eundo, morando, abeundo, and if arrested, may be discharged by the Court, &c. Witness refusing to attend, or to answer lawful questions, to be liable to attachment in the Supreme Court.*

9. *The form of oath to be taken by President and members of the Court, &c.*

10. *Form of oath to be taken by the Judge Advocate, &c.*

11. *Witness to be examined on oath, or in certain cases on solemn declaration, &c.*

12. *Giving false testimony before the Court, to be deemed perjury.*

13. *If person accused, shall not satisfy the Court that he has reasonable excuse for appearing, the Court may proceed in his absence, and Court may sentence to dismissal from the service, or to loss of rank or pay, &c. as the Court may deem fit, &c. whether the offence be punishable under the Pilot Code or not.*

14. *Punishment to be awarded according to the Pilot Code where the offence is within it.*

15. *Pilot Code to remain in force as to offences specified in it; as to other offences the Superintendent may frame the charge according to the facts of the case.*

16. *This Act not to deprive the Superintendent of the power of deciding summarily.*

17. *Proceedings of Court, on completion of trial, to be sent to Superintendent of Marine, who may send back the same for revision of finding or sentence, &c.*

18. *Every finding and sentence, &c. to be subject to approval of G. of B. and not to be final until approved by G. of B. who may remit &c. sentence: decision of G. of B. to be final and carried into effect.*

19. *Superintendent of Marine may make rules for conducting proceedings, &c. Rules to be submitted to G. of B. for confirmation.*

An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty.

Repealed by Act XII. of 1859.

MADRAS.--EMIGRANT SHIPS.

ACT NO. XXV. OF 1845.

Passed on the 20th Dec. 1845.

1. *Recites sec.* 8 *of Act XXI.* 1844, *and repeals it as to emigrant vessels from Madras.*

2. *Emigrant vessels from Madras to Jamaica, British Guiana or Trinidad shall sail only between the* 31*st August and* 1*st of March.*

By Act IV. 1852 the same time is prescribed for sailing from Calcutta.

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

Whereas by Section VIII. Act XXI. of 1844, it was amongst other things enacted, that no Ship or Vessel carrying Emigrant Labourers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September, and the 1st of March next thereafter ensuing;

And whereas the said provision is found to be inconvenient so far as regards Ships or Vessels carrying Emigrant Labourers from Madras:

I. It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed so far as regards such last mentioned Ships or Vessels.

II. And it is hereby enacted, that no Ships or Vessels, carrying Emigrant Labourers to Jamaica, British Guiana, or Trinidad, shall sail from Madras at any other time than between the 31st day of any August, and the 1st of March next thereafter ensuing.

BENGAL.--SPIRIT LICENCES.

ACT No. XXVI. OF 1845.

[*Passed on the 27th Dec.* 1845.

1. *G. of B. may confer powers relative to granting and withholding spirit licences in Calcutta, on whomsoever he pleases.*

2. *G. of B. may regulate the form of licences, &c. and vary &c. the terms thereof.*

3. Such fee or tax may be exacted for licence as the G. of B. may fix, &c.

4 Licence may be recalled, &c if tax not duly paid : person selling spirits after recal of licence to be liable to same penalties as for selling without licence.

An Act to regulate the granting and withholding Licences for the Sale of Liquors within the Town of Calcutta.

Repealed by Act XI. 1849.

BENGAL.—ASSISTANT MAGISTRATES.

ACT No. XXVII. OF 1845.

[*Passed on the 27th Dec.* 1845.

1. Assistant Magistrates, &c. shall be competent to decide cases under Act IV. of 1840.

2. Magistrate may recal cases which he has referred to his assistant, and decide them himself.

Act X. of 1854 is An Act for regulating the powers of Assistant Magistrates and Deputy Magistrates appointed under Act XV. 1843.

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act IV. of 1840.

I. It is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840 when such cases are referred to them by the Magistrates to whom they are subordinate and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recal from such Assistants any depending cases which may have been referred to them under this Act, and which, for the more speedy administration of justice, or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

MADRAS.—SUPREME COURT.

ACT No. XXVIII. OF 1845.

[*Passed on the 27th Dec.* 1845.

1 In Supreme Court at Madras, one Judge may sit apart for despatch of criminal business, when other Judge is sitting in Supreme Court, &c.

2. *All business which Court has power to transact in term, Court may transact out of term, &c.*

An Act for the Improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort St. George.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Jail Delivery under the Charter of said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term and that all Rules and orders of the said Court, as to all Judgments, Executions or other proceedings in term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

BOMBAY.—JOINT ZILLAH AND SESSIONS JUDGES.

ACT No. XXIX. OF 1845.

[*Passed on the 27th Dec.* 1845.

1. *G. in C. of Bombay with consent of G. G. in C. may appoint in any zillah*

a Joint Judge, with extensive jurisdiction, &c. but to transact only business he may receive from Zillah Judge.

2. *Same rules to guide the Joint Judge as the Zillah Judge.*

3. *Joint Judge to take oath of office, or make declaration.*

4. *Joint Judge to use same seal as Zillah Judge.*

5, 6, 7, & 8. *Same provisions for appointment, &c. when expedient, of Joint Sessions Judge.*

An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah, within the Territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said Territories a Joint Session Judge who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

VI. And it is hereby enacted, that the Rules and Regulations

at present in force, or which may hereafter be enacted, for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

MADRAS.--FINES AND COMPENSATION.

Repealed by XVII of 1862

ACT No. XXX. OF 1845.

[*Passed on the 27th Dec.* 1845.

Session Judges may, in sentencing to a fine, award same, &c. to party injured, as is done by Magistrates.

An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.

It is hereby enacted, that from the 1st day of February, 1846, it shall be competent to the Session Judges within the Presidency of Fort St. George in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under Clause Second, Section XXXIX. Regulation IX. 1816 of the Madras Code.

BOMBAY.--ARMY PENSIONS.

ACT No. XXXI. OF 1845.

[*Passed on the 27th Dec.* 1845.

1. *Reduced pay or pension of invalid officers, &c. of Bombay army, granted in consideration of past services, &c. not to be liable to seizure, &c. unless assigned over by pensioner prior to passing of this Act.*

2. *All assignments, &c. of pension by pensioner after passing of this Act,—to be null and void. But pensioner may assign monthly or other part of pension after same has become due.*

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

Repealed by Act VI. 1849 and re-enacted with extension to all the Presidencies.

MADRAS.—LICENCES.

ACT No. XXXII. OF 1845.

[*Passed on the 27th Dec.* 1845.

1. *Repeals Cl.* 2 *and* 3, *sec.* 4. *Reg.* 1, 1830 *of Madras Code.*

2. *Licences under sec.* 4, *of Reg.* 1, 1820, *for establishment of Distilleries, &c. shall be in form prescribed by Board of Revenue, and with stipulations for the exportation of all manufactures, or sale of it to civil and military officers, &c. or to Abkarry renters, &c. but not to licensed retail-dealers, &c.*

3. *Breach of distillery licence to be punishable with forfeiture of licence or fine, &c.*

4. *European British subjects, as well as others, on conviction, &c. to be subject to penalties, &c. except that European shall not be subjected to hard labor.*

5. *Judge in sentencing European to imprisonment, may direct the imprisonment to be in the jail at Madras.*

6. *Directs the jailer at Madras to receive European so sentenced.*

An Act to modify Regulation I. of 1820 of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of distillation.

I. Whereas it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George: and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are, equally with other parties, amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV. Regulation I. 1820 of the said Code, be repealed.

II. And it is hereby enacted, that the Licences to be granted under Section IV. Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation similar to the European system, shall be prepared according to a form, to be

approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquors manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters, for retail sale, within the limits of their respective farms, but not to the licensed retail dealers of Madras contemplated by Section VII. Regulation I. 1813 of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who, in breach of the stipulation in his Distillery Licence, held under the provisions of the foregoing Section, and of Clause I. Section IV. Regulation I. 1820 Madras Code, shall, directly or indirectly, sell or permit to be sold, any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such Licence shall have been granted, be liable to the forfeiture of his Licence, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall, on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences, save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall, in default of payment, be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Jail at Madras.

VI. And it is hereby enacted, that the Jailer of the Jail at Madras shall receive into the said Jail any European British subject so sentenced as aforesaid, and keep him there imprisoned during the term of his sentence, in the same manner as if he had been sentenced by the Supreme Court.

BENGAL.—PLEADERS.

ACT No. I. OF 1846.

[*Passed on the 7th Jan.* 1846.

1. *Repeals (of the Bengal Code) sec.* 15 *Regulation* 23, 1814, *Cl.* 7 *sec.* 2; *Cl.* 11 *sec.* 3; *Cl.* 4. *sec.* 8, *Reg.* 26, 1814; *Cl.* 3, *sec.* 3, *sec.* 7; *Cl.* 1, *sec.* 15; *sec.* 23, 24, 28, 29, 32, 33, 34, 35, *and Cl.* 1, *sec.* 39 *Reg* 27, 1814. *Cl.* 2, *sec.* 10, *Reg.* 28, 1814. *Sec.* 9, *Reg.* 19, 1817. *Sec.* 6, *Reg.* 11, 1826. *Sec.* 30, *Reg.* 5, 1831. *Sec.* 7, *Reg.* 9, 1831. *Sec.* 11, *Reg.* 7, 1832. *Reg.* 12, 1833, *and Act XIII,* 1838.

2. *Repeals (of the Madras Code) Cl.* 2 *and* 3 *sec.* 14, *Reg.* 6, 1816. *Sec.* 7, *Cl.* 1, *sec.* 15 *and secs.* 23, 24, 28, 29, 32, 33, 34, 35, *Reg* 14, 1816. *Cl.* 7. *sec.* 4; *Cl.* 11, *sec* 5; *Cl.* 4, *sec.* 8, *Reg* 15, 1816. *Cl.* 3. *sec* 6, *Reg.* 1, 1827. *Cl.* 3, *sec.* 6, *Reg.* 7, 1827. *Sec.* 5, *Reg* 6, 1828. *Sec.* 4, *Reg.* 4, 1832.

3. *Repeals (of the Bombay Code), Cl.* 3, *sec.* 47, *Cl.* 2, *sec.* 48, *sec.* 55, *Reg.* 2, 1827, *and specified parts of Cl.* 1, *sec.* 7, *Reg.* 29, 1827.

4. *Office of Pleader in Courts of E. I. Co. shall be open to all persons, &c. but no person to be admitted without certificate, &c.*

5. *Barristers of H. M.'s Courts may plead in Sudder Courts, subject to same rules as pleaders, &c.*

6. *Sec.* 25, *Bengal Reg.* 27, 1814, *Sec.* 25. *Madras Reg.* 14, 1816; *Sec.* 52, *Bombay Reg.* 2, 1827, *shall cease to be enforced, except for purpose specified in sec.* 7 *of this Act.*

7. *Parties employing authorized pleaders may settle by private agreement the remuneration to be paid, &c. But costs when awarded against adverse parties shall be calculated according to rules, &c. Costs in cases other than those decided on the merits shall be one-fourth of those allowed in the latter.*

8. *Private agreements between parties and pleaders respecting remuneration, to be enforced only by regular suit.*

9. *Repeals so much of sec.* 20, *Bengal Reg.* 27, 1814, *and sec.* 20, *Madras Reg.* 14, 1816, *as prescribes fees for pleaders' opinions; such fees to be settled by private agreement.*

10. *Principal Sudder Ameen and Sudder Ameen may impose fines on pleaders, subject to appeal, &c.*

11. *and* 12. *Pleaders to be subject to same rules in Moonsiff's Courts as in Zillah Courts, &c. and Moonsiff may impose fines on pleaders, subject to appeal, &c.*

13. *This act not to apply to Vakeels, &c. in specified cases in Madras presidency.*

Act XX. 1853 is An Act to amend the Law relating to pleaders in the Courts of the E. I. Company.

An Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.

I. It is hereby enacted, that Section 15, Regulation, XXIII. 1814; Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI. 1814; Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII. 1814; Clause Second, Section 10, Regulation XXVIII. 1814; Section 9, Regulation XIX. 1817; Section 6, Regulation XI. 1826; Section 30, Regulation V. 1831; Section 7, Regulation IX. 1831; Section 11, Regulation VII. 1832; Regulation XII. 1833, of the Bengal Code; and Act No. XIII. of 1838, be repealed. [By Act XX.1853 Regulation XXVII. 1814 s. 16 is repealed.]

II. And it is hereby enacted, that Clauses Second and Third Section 14, Regulation VI. 1816; Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816; Clause Seventh, Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816; Clause Third, Section 6, Regulation I. 1827; Clause Third, Section 6, Regulation VII. 1827; Section 5, Regulation VI. 1828; Section 4, Regulation IV. 1832 of the Madras Code, be repealed. [By Act XX. 1853 Regulation XIV. 1816 s. 16 is repealed.]

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827, of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practise in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder

Courts, that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding [By Act XX. 1853 s. 4 Barristers and Attornies of the Supreme Courts are excepted from this proviso.]

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders, whether relating to the language in which the Court is to be addressed, or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code; Section 25, Regulation XIV. 1816, of the Madras Code; and Section 52, Regulation II. 1827, of the Bombay Code, shall cease to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalutnama; provided that when costs are awarded to a party in any regular Suit, original or appeal decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases, the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders, respecting the remuneration to be paid for professional services, shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816, of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed: and that persons taking such opinions from autho-

rized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final. [Repealed as respects Bengal by Act XVIII, 1852 s. 1.]

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiff's Courts. [Also repealed as respects Bengal by same Act.]

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts, of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the provisions of Regulations IV., V., VII. and XII. 1816, of the Madras Code.

BOMBAY.—COTTON.

ACT No. II. OF 1846.

[*Passed on the 7th Jan.* 1846.

1. *Unscrewed cotton may be exported, but not in a square rigged vessel, from any subordinate port of Bombay, and from any Madras port, to port of Bombay free of duty specified in schedules of Act I.* 1838 *and Act VI.* 1844, *&c.*

2. *Cotton wool may be imported into port of Bombay from any port of India free of duty specified, &c. in Act I.* 1838.

An Act relating to Unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

Repealed by Act I. 1852.

BOMBAY.--BOUNDARY MARKS.

ACT No. III OF 1846.

[*Passed on the 7th Jan.* 1846.

1. *Revenue officers under authority of G. in C. may require boundary marks to be set up by owners, &c.*

2. *Such requisition to be in specified form and made in specified manner.*

3. *In default of owners complying with requisition, Revenue officers may direct marks to be set up, cost to be apportioned, &c. or paid out of village revenue.*

4. *Person out of possession claiming right, to pay cost of setting up marks, before his claim is allowed.*

5. *Any person erasing, removing, &c. field boundary marks, to be liable to fine, &c.*

6. *Revenue officers to possess authority for assessment and realization of all sums under this Act, &c.*

Schedule. Form of requisition.

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority, to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or

Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably proportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field in the Village of

you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined,) or to repair its present boundary, within days from this date, in default of which

the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.

BENGAL.—LAND SALES.

ACT No. IV. OF 1846.

[*Passed on the 7th Jan.* 1846.

1, *and* 2. *Repeal so much of sec.* 10 *and* 11. *Reg.* 1, 1793; *sec.* 7, *Reg.* 27 1785; *sec.* 37, 38, *Reg.* 25, 1803; *sec.* 27, 28, *Reg.* 9, 1805, *as relate to Government jumma on lands sold under decree, &c. Also Reg.* 45, 1793: 20, 1795; 12, 1796; *sec.* 15 *to* 26, *both inclusive, Reg.* 26, 1803; *also, so much of sec.* 27, 28 *of same, as relates to satisfaction of decrees, and cl* 2 *and* 3, *sec.* 4, *Reg.* 7, 1825, *and all Regulations extending the above repealed Regulations, &c.*

3. *In presidency of Fort William attachments and sales of land, &c. in satisfaction of decrees, &c. shall be made by such Courts, &c. without reference to the revenue authorities, &c.*

4. *Holder of a decree, &c. on applying for a sale, shall file extract from Collector's Register, specifying the jummah. &c.*

5. *Purchaser to deposit in cash, B. B. notes, &c.* 15 *per cent. on amount of his bid or, in default, property to be resold; as also in case purchaser fails to pay up purchase money, any loss on resale to be paid out of deposit, &c.*

6. *In N. W. P. attachments and sales under decrees to be made on requisition of the Court by Collectors, &c. except, &c.*

7. *Requisition to specify, what particulars.*

8. *In N. W. P. Collector to issue proclamation of sale, &c.* 30 *days previously, specifying name of proprietor, the jumma of the estate, and other specified particulars.*

9. *Sec.* 5 *of this Act to apply to sales, &c. under decrees in N. W. P.*

10. *Sales under decrees in presidency of F. W. to be of the nature of private transfers.*

11. *S. D. Adawlut to frame rules, &c. for attachments and sales in execution of decrees, &c. Rules to be approved by G. G. of I. in C.*

12 *and* 13 *Act not to have retrospective effect, nor to affect process of S. C. nor of Court of Requests, or any Court in Straits of Malacca.*

An Act for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

Repealed by the New Civil Procedure Act, VIII, 1859.

BOMBAY.--SURAT POLICE.

ACT No. V. OF 1846.

[*Passed on the* 15*th Dec.* 1846.

Repeals part of cl. 1. *sec.* 1. *Bombay Reg.* 4, 1830.

An Act for placing the Police of Surat under the Magistrate.

Whereas it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1st, Regulation IV. of 1830 of the Bombay Code as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

N. W. PROVINCES.--BHUTTEE TERRITORY.

ACT No. VI. OF 1846.

[*Passed on the* 15*th Dec.* 1846.

1. *and* 2. *Take out of operation of Reg.* 5, 1832, *specified pergunnahs of Bhuttee territory, and places them under Agent of G. G. of I. in C. as it respects the administration of justice, police, and revenue.*

3. *G. G. of I. in C. may prescribe rules for agent, &c. and determine in what cases his decision shall be final, &c.*

4. *and* 5. *The cases in which appeal from agent is allowed, the Nizamut and S. D. A. respectively shall decide according to rules prescribed by G. G. in C.*

An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory.

Whereas much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege:

I. It is hereby enacted, that from and after the First day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs:

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day, the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of the Officers subordinate to his control and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper, and in conformity with the prescribed rules.

Repealed by XVII 7/62

BENGAL.—WITNESSES DIET MONEY.

ACT No. VII. OF 1846.

[*Passed on the* 15*th Dec.* 1846.

Modifies Cl. 1 *sec.* 2, *Reg.* 3, 1812, *and empowers Magistrates to regulate the amount of deposit for diet money of witnesses in petty cases.*

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

It is hereby enacted, in modification of Clause 1, Section 2, Regulation III. 1812, of the Bengal Code, that in the Territories subject to the presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for Witnesses in petty cases, with reference to the probable period such Witnesses may have to be in attendance, and in the event of the prolonged detention of Witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

N. W. PROVINCES.—REVENUE SETTLEMENT.

ACT NO. VIII. OF 1846.

[*Passed on the 15th Dec.* 1846.

Recites the existence of some uncertainty as to the period for which the revenue settlement has been made in certain districts in the N. W. P. Enacts.

1. *That the Government jummah of all villages included on May* 1, 1846, *within the specified districts, shall be fixed until the dates specified in Act.*

2. *Mouzas transferred, &c. to permanently settled districts, &c. shall be held for ever on the highest jumma settled prior to 1st May,* 1846.

3 *Lands held on special grants shall be held subject to the terms of the grants.*

4. *Malgoozar desirous of relinquishing his lease, may do so, on giving one year's notice before the expiration of the term of settlement.*

5. *Malgoozar not giving such notice, shall be bound by existing jummah until settlement be revised, or made in perpetuity, &c.*

6. *Government not to be barred demanding revenue from resumed rent free land, alluvial Towfeer, &c.*

An Act for determining the duration of the existing Settlement of the North Western Provinces.

Whereas the settlement of the several Districts of the North Western Provinces has been made for different periods; and whereas, from several causes, the duration of the settlement as stated in the engagements of the Malgoozars, does not always agree with that sanctioned by the Government; and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place;

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite to each District, so far as regards the claim of the Government to any increase upon the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1 st May 1846.

Paneeput, July 1st, 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st, 1860, one thousand eight hundred and sixty.

Delhi, July 1st, 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st, 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st, 1872, one thousand eight hundred and seventy two.

Sheharunpore, July 1st, 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st, 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st, 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st, 1859, one thousand eight hundred and fifty-nine.

Allyghur, July 1st, 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st, 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st, 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st, 1866, one thousand eight hundred and sixty-six

Bareilly, July 1st, 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st, 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st, 1871, one thousand eight hundred and seventy-one.

Agra, July 1st, 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st, 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st, 1870, one thousand eight hundred and seventy.

Etawah, July 1st, 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st, 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st, 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st, 1872, one thousand eight hundred and seventy-two.

Banda, July 1st, 1874, one thousand eight hundred and seventy-four.

Allahabad, July 1st, 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st, 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st, 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st, 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnah permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement, he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May, 1846, for the period which may be applicable to his case

according to Section I, and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

MADRAS.—HARBOUR REGULATIONS.

ACT No. IX. OF 1846.

[*Passed on the 5th Dec.* 1846.

G. in C. may make regulations for management of Boats and Catamarans, &c. as respects the Madras roads, &c. subject to confirmation, &c. of G. G. of I. in C.

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

Whereas Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV. of 1842, in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after

it shall have been confirmed by the Governor General of India in Council.

BENGAL.—DISTRESSES FOR RENT.

ACT No. X. OF 1846.

[*Passed on the 5th Dec.* 1846.

1. *Modifies Sec. 9. Reg. 7, 1799, Sec. 9, Reg. 5, 1800, and Cl 2, Sec. 17, Reg. 28, 1803, and gives third persons whose goods have been distrained for rent arrears the right of contesting their liability before Collector, &c.*

2. *If claimant fails to institute a suit, according to his bond, the distrained may recover the value of the distress and costs, unless the distress is restored to distrainer.*

3. *No suit to set aside award of Collector to be brought after expiration of one year, &c.*

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

Repealed by Act X. of 1859.

BOMBAY.—CANDEISH AND AHMEDNUGGUR.

ACT No. XI. OF 1846.

[*Passed on the 12th Dec.* 1846.

1 *and* 2. *Repeals Appx. A. Bombay Reg.* 29, 1827, *declaring specified villages, &c. under general Regulations for the administration of Civil and Criminal Justice, and places the same, as respects administration of justice and collection of Revenue, under agent of G. of B in Council*

3. *G. in C may prescribe rules for agent, &c. and determine in what cases his decision shall be final, &c.*

4 *and* 5. *In cases in which appeal from Agent is allowed, the S. Fouzdaree Adawlut, and S D. A. respectively, shall decide according to rules prescribed by G. in C.*

Schedule Villages to which this Act applies.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.

Whereas it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency, certain portions of the Purgunnahs of Nundoorbar,

Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

I. It is hereby enacted, that from and after the First day of February, 1847, so much of Appendix A. of Regulation XXIX. of 1827, of the Bombay Code as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny

Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the province of Candeish comprehended in the Purgunnahs of Nundoorbar, Soolanpoor and Kookurmoondah.

Names of Chiefs.	*Inhabited.*	*Uninhabited.*
1. Gunput Sing Wulud Chundruging Rana of Boodhawul.	Dekatee. Hulalpoor. Boodhawulee. Khooshguvhan. Ashte. Khar. Mendwur. Jamleegoora Walheree Boodhawul. Lobabhanee. Somawul Boojrook. Muthawul. Shervee. Ekdhur. Relapera.	Nuwagaom Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera Kullumbee Veeheer. Ghoghat. Ramgur. Pethapoor.
2 Oomed Wulud Luxoomun Parvee of Katee.	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal. Velkhooree. Mogreebar. Jorapeebar. Nulwunbara. Jagtee Arootee. Kewuree. Chapree. Pandhreematee. Pimpurkhoota. Soorgus. Beejulguvhan. Balughat. Vehugee. Thunwaee. Balkra. Gojeebara. Oghanee. Dunaee. Soorpanvavee. Suree. Kunkal.	Khutkoowa Bamhungaon. Gullotté Khoord. Akul Koowa. Horapara. Ankooshee Veeheer. Guvhané. Peotee. Mojra. Dhankbaree. Kotlee Muhan Dhobreedeeta. Tullow Cheekhlee. Ghora Devee. Koowa Kolwee. Kolweechmal. Nendwun. Patpara. Kulmunda. Wurphullee. Bhutaree. Poke Khara.

Names.	Inhabited.	Inhabited.
2. Oomed Wulud Luxoomun Parvee of Katee.—(Continued.)	Gudwanee. Bokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maeechamal. Mogree. Bumhunee. Somkharee. Ras. Ghuttula. Mogra. Moolgee. Bhurkoond. Velee. Oomreeguvhan. Jamlee Bhagrapan. Oomla. Raool K.	Sendree. Kookreepadur. Kujanee. Honakhamb. Gulloté Boojrook. Nuwagaon. Gungapoor. Kewara Mohee. Koeeled veeheer. Sonachee pardee. Kakurpara. Ghutwane. Rajmohee. Khutas Kharee. Khaee. Heeranee. Dab. Dunel. Mooreera. Waree. Kudwalee.
3 Oomed Wulud Pacha Parvee of Nal.	Goolyamba.	Nal. Veerpoor. Nuwagaon. Sane Veerheer. Jeeree Sawur. Tunuk Molee.
4. Bickna Wulud Raila Parvee of Singpoor.	Singpoor Borjrook. Singpoor Kheord.	Babhulpoor.
5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.	Guvhalee. Bar. Pechreedo. Kakriamba. Hatwaryawur. Morkee. Nugur Motee. Rajkoora. Raisingpoora. Oodun. Bhereevoa.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar. Pala. Bhooyuvao. Kakurkhore. Rajnee. Khoord Muhookharee. Koowurvao. Talamba. Wurkoond. Koomree. Khurgia Moramba. Boreeguvhan. Bhometee. Kalamba.

Names.	Inhabited.	Uninhabited.
5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.—(*Continued.*)		Phoolworee. Kelwun. Bhoee Kuruj. Dorkee. Jamwa. Gotpara. Joojuv. Ookhulsar. Rajneebara. Ambabar. Borkee Dokhee. Matha Koond. Gugriamba. Lalbhurdee. Joonatana. Moramba. Kadlee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee. Muhookharee Boojrook. Wajpoor. Talamba. Jamna. Shindguvhan. Kaniamba. Mograpana. Kulewurkhoord. Rampoora. Koonda. Jōonwuh. Boogniamba. Sheengwun. Kaniamba Kondwapara. Kanapara. Kotara. Pardee. Keoreebar. Bhooera. Guvhan. Koradevee. Jamkhoot Amleeguvhan. Mathamba. Matha Mogur. Mata Tana. Oodapoor.
6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.	Cheekhlee. Jheereebera. Pateepara. Chatoopara. Raneepoora. Khapur. Gungthé.	Jhapa Amlee. Khanora. Kokteepara. Khuyerpara. Chanpoor. Oomranee. Wurgaon.

Names.	Inhabited.	Uninhabited.
6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee	Lugree. Jaolee. Kolee wara. Pulas wara. Ooman.	Chotee Ruralee. Bramhungaom. Kuvleeguvhan. Bholwur. Dhabra Mendee. Kenwura. Khekwur. Dabreeamba. Augut. Rethee. Chapteepara. Rajneewar. Oomanee. Nuwagaon. Nucen Sevree. Nevree. Oomjia.
7. Raja Wulud Veslia Parvee.		Sojdan. Nuwulpoora.

ABSTRACT.

	Names of Chieftains.	Inhabited.	Uninhabited.	Total Villages.
1	Gunput Sing, Wulud Chandru Sing Rana, of Bhoodawal,	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee,	71	25	96
3	Oomed Wulud Pacha Parvee of Nal,	1	6	7
4	Bhickna Wulud Raila Parvee of Singooor,	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guvhallee,	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee,	12	25	37
7	Raja Wulud Veslia Parvee,	0	2	2
	Total,	113	139	252

N. W. PROVINCES.--BOUNDARIES.

ACT No. I. OF 1847.

[*Passed on the* 30*th Jan.* 1847.

1. *Collectors, &c. may fix boundaries of fields, or estates, and require marks to be set up by owners or occupiers.*

2, *and* 3. *Persons owning or occupying conterminous fields or estates may be served with notice to set up or repair boundary marks within a certain time and* (3) *upon their default Revenue officers may give directions for the same to be done.*

4. *Persons wilfully erasing, removing or injuring boundary marks to be liable to a fine.*

5. *In what manner disputed boundary marks shall be fixed by Revenue officers.*

6 *Act IV. of* 1840 *not to extend to disputes of the nature herein provided for.*

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

I. It is hereby enacted, that it shall be lawful within the Territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing the limits of those Fields or Estates, whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates, requiring them to form or repair the said boundary marks, within ten days from the date of the notice, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or Chopal, or other

conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of land revenue.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured; one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII. 1822 and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance, under Act IV. of 1840, of boundary disputes of the nature for which provision is here made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

BENGAL—OATHS.

ACT No. II. OF 1847.

[*Passed on the* 13*th February*, 1847.

The words "H. M.'s Courts of Justice" in Act V. of 1840 *not to extend to the Courts of the Justices of the Peace.*

An Act to declare the meaning and extent of certain words in Act V. of 1840.

Whereas by Section IV. of Act V. of 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace—

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to the Courts of the Justices of the Peace.

STRAITS SETTLEMENTS.—POLICE.

ACT No. III. OF 1847.

[*Passed on the* 19*th February*, 1847.

1 *and* 2. *Constables and subordinate Peace Officers, &c. not to be appointed by Court of Judicature; but* (2) *by the Governor, except the Superintendent of Police.*

An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits.

Repealed by Act XIII. 1856.

MADRAS.—MILITARY MAGISTRATES.

ACT No. IV. OF 1847.

[*Passed on the* 10*th April*, 1847.

G. in C. may appoint Military Officer, or Magistrate, or Assistant Magistrate, and confer on Assistant Magistrate, the powers of a Magistrate.

An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

It is hereby enacted, that from and after the First day of May, 1847, it shall be competent to the Governor in Council of Fort St. George to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, any Law or Regulation to the contrary notwithstanding.

CRIMINAL LAW.—JAILS.

ACT No. V. OF 1847.

[*Passed on the* 10*th April*, 1847.

1. *Officers in charge of jails may give effect to sentence passed by any Court established by G. G. in C. for the administration of criminal justice in Native States, though such States are not subject to the presidency Government, or to the General Regulations.*

2. *Warrant of officer exercising criminal jurisdiction in such States to be sufficient authority for jailor.*

An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company and without the local limits of the Jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails shall be competent to give effect to any sentence that may be passed by any Court established or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And it is hereby enacted, that a warrant under the Offical Seal and Signature of the Officer or Officers exercising Criminal

Jurisdiction within such States or Territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner and that, pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

STRAITS SETTLEMENTS.—COPPER COINAGE.

ACT No. VI. OF 1847.

[*Passed on the 1st May*, 1847.

1 *and* 2. *Acts XXI.* 1835 *and XXII.* 1844 *not to apply to copper currency of Penang, Singapore and Malacca, &c.* (2) *the copper coins of which shall be, a cent, a half cent, and a quarter cent.*

3, 4, 5, *and* 6. *Cent, half and quarter, to be legal tender for* $\frac{1}{100}$*th* $\frac{1}{200}$*th and* $\frac{1}{400}$*th parts of a dollar respectively,* (5) *no other copper coins to be legal tender;* (6) *the circulation of other copper coins is prohibited.*

7. *Any person circulating, &c. other copper coins, to be liable to a fine, not exceeding ten Rupees.*

8. *The G. G in C. may direct the coining and issuing and prescribe the devices of the coins issued under this Act.*

An Act for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

1. It is hereby enacted, that from and after the date of the passing of this Act, the provisions of Act XXI. of 1835 and

XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca. [a]

II. And it is hereby enacted, that from and after the 1st day of January, 1848, the following Copper Coins only shall be received at or issued from any Government Treasury within the said Settlements;

1. A cent, weighing 144 grains troy.
2. A half cent, weighing 72 grains.
3. A quarter cent, weighing 36 grains. [a]

III. And it is hereby enacted, that from and after the date of the passing of this Act, the said cent shall be legal tender throughout the said Settlements for $\frac{1}{100}$ of a Dollar, and the said half cent for $\frac{1}{200}$ of a Dollar, and the said quarter cent for $\frac{1}{400}$ of a Dollar.

IV. Provided always and it is hereby enacted, that none of the said Coins shall be legal tender except for fractions of a Dollar.

V. And it is hereby enacted, that after the 1st day of January, 1848, no other Copper Coins or Tokens than those specified in Section II. of this Act shall be legal tender of payment for the fractional parts of a Dollar within the said Settlements. [a]

VI. And it is hereby enacted, that with the exception of the Copper Coins specified in Section II. of this Act, the circulation in the said Settlements after the said day of all Copper Coins or Tokens, not being the authorized legal Coinage of any British or Foreign Government, is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said Settlements, any Copper Coins or Tokens other than those specified in Section II. of this Act, and not being the authorized legal Coinage of any British or Foreign Government, shall on summary conviction before a Magistrate be liable to a fine not exceeding Ten Rupees, and in default of payment any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor General in Council, in his executive capacity, to direct the coining and issuing, and to prescribe the devices and inscriptions of the Coins to be issued under the authority of this Act.

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[a] Repealed by Act XVII. 1855 so far as they relate to pice, double pice and pies coined under Act XXII. 1844 and XXI. 1835.

CALCUTTA.—DISTRESSES FOR SMALL RENTS.

ACT NO. VII. OF 1847.

[*Passed on the 1st May*, 1847.

1. *Commissioners of Court of Requests to appoint four or more bailiffs and appraisers, and to fix their remuneration, &c.*

2. *Commissioner upon affidavit made in prescribed form by party claiming to be entitled to arrears of rent not exceeding* 100 *Rupees, or by other specified persons, may issue a distress-warrant in specified form.*

3. *Officer, under such warrant, may seize goods and chattels on the premises to cover the rent and costs of distress, and shall thereupon make an inventory of the goods seized, and give notice in prescribed form, &c. and file in Court of Requests copies of the inventory and notice, and the party distrained upon may, within five days after distress, apply to Commissioner to discharge or suspend the warrant, and Commissioner may give reasonable time for payment of the rent.*

4. *In default of application for discharge or suspension of warrant, the goods, after five days, may be appraised and sold, after two days' notice, and proceeds shall be paid into Court, &c.*

5. *No costs to be demanded for such distress but those specified in Schedule C.*

6 *and* 7. *Distress for arrears not exceeding* 100 *Rupees to be made only under this Act, and any person other than the appointed officer levying distress to be guilty of a misdemeanor, but* (7) *Act not to apply to rent due to Government, &c.*

Schedule A. Form of Warrant. B. Form of Inventory and Notice. C. Table of Fees. D. Form of Affidavit of rent in arrear. E. Notice to a sale.

Powers of this Act extended to rents not exceeding 500 Rupees, by Act IX. 1850 ss. 89 and 90 to Small Cause Courts.

An Act to regulate Distresses for Small Rents in Calcutta.

I. It is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and to fix such remuneration for the Services of the said Officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed; provided that it shall be lawful for the said Commissioners to appoint the Bailiffs who

may be attached from time to time to the said Court to the office of Distraining Bailiffs and Appraisers, for the purposes of this Act, and to award to the said Officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners shall appear expedient.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court, upon the Affidavit in the Form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any House or Premises situate in Calcutta, not exceeding the amount of 100 Rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the Affidavit of the constituted Attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal in the form contained in the Schedule to this Act annexed (marked A.) addressed to any one of such Officers, directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned; provided that it shall be lawful for any of the said Commissioners upon personal examination of the party applying for such warrant, to grant or withhold the same, at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such Officer to seize the whole or such part of the Goods and Chattels upon the said Premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an Inventory of the Goods and Chattels so seized, and shall give a notice in writing in the Form in the Schedule to this Act annexed (marked B.) to the party from whom such rent is claimed to be due or to any other person upon behalf of such party upon the said Premises, that the said Goods and Chattels will be appraised and sold in manner therein mentioned. and that the said Officer shall file in the said Court true copies of the said Inventory and Notice; provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly,

with or without costs; provided always, that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that in default of such application, it shall be lawful for any two of such Officers, at the expiration of five days from such seizure, to appraise the Goods and Chattels so seized, and to give notice in writing in the Form in the Schedule to this Act annexed (marked E.) of the sale thereof, at such time and place as they shall direct, after an interval of not less than two days; and that they shall file in the said Court a true copy of the said Notice, and that the same shall be sold accordingly, and that the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due; provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C.,) and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers as shall appear to the said Commissioners expedient, and that the Chief Clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses, shall be duly entered, and that the Chief Clerk of the said Court shall also enter in the said book all sums realized by sale of the Goods and Chattels distrained and paid over to the Landlords, under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act, no distress shall be levied for arrears of rent amounting to Rupees 100, or less, except under the provisions of this Act, and

that any person, except such Officer as appointed, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 Rupees, nor in respect of any House or Premises situate out of Calcutta, nor to any rent due to Government, nor to any seizure except on the Premises in respect of which such rent is claimed.

A.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Warrant.

I hereby direct you to distrain the Goods and Chattels on the Premises of A. B., situate in———in the Town of Calcutta, for the sum of———Rs., being the amount of———months' rent due to C. D., for the same, on the———day of——— last, according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(Signed and Sealed)

To E. F., *Sworn Bailiff and Appraiser.*

B.

In the Court of Commissioners for the Recovery of small Debts in and for the Settlement of Fort William in Bengal.

Form of Inventory and Notice.

(State particulars of Goods seized.)

Take Notice that I have this day seized the Goods and Chattels contained in the above Inventory for the sum of———Rs., being the amount of———months' rent due to C. D., at———last, and that unless you pay the amount thereof, together with the Costs of this Distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. VII. of 1847.

(Signed) E. F.,
Sworn Bailiff and Appraiser.

To A. B.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	*Affidavit & Warrant to Distrain.*		*Order to Sell.*		*Commission.*		*Total.*		*Remarks.*
	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	
1 and under 5 Rs...	0	4	0	8	0	8	1	4	
5 and under 10 Rs...	0	8	0	8	1	0	2	0	
10 and under 15 Rs..	0	8	0	8	1	8	2	8	
15 and under 20 Rs..	0	8	1	0	2	0	3	8	
20 and under 25 Rs..	0	12	1	0	2	8	4	4	
25 and under 30 Rs..	1	0	1	0	3	0	5	0	
30 and under 35 Rs..	1	0	1	0		8	5	8	
35 and under 40 Rs..	1	0	1	8	4	0	6	8	
40 and under 45 Rs..	1	4	2	0	4	8	7	12	
45 and under 50 Rs .	1	8	2	0	5	0	8	8	
50 and under 60 Rs..	2	0	2	0	6	0	10	0	
60 and under 80 Rs..	2	8	2	8	6	8	11	8	
80 to 100 Rs..	3	0	3	0	7	0	13	0	

The above scale is intended to include all expenses, except in Suits where the Tenant disputes the Landlord's claim, and Witnesses have to be subpœnaed, in which case, each Subpœna for sums under Rs. 40. must be paid for at 4 Annas each, and 12 Annas above that amount—and also where Peons were kept in charge of property distrained, 4 Annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

A. B.——(Plaintiff,)

versus

C. D.——(Defendant.)

A. B., Inhabitant of————————, in the Town of Calcutta, ————————maketh oath and saith, that C. D.————————who is also an Inhabitant of the Town of Calcutta, is justly indebted to————————in the sum of Company's Rupees————————, for arrears of rent of the House and Premises No.————situated at————————,

in the Town of Calcutta, due for————————month, to wit from ————————to————————, at the rate of Co.'s Rs.———— ————per mensem. Sworn before me, the———————— day of ————————184————————.

Commissioner.

E

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Take Notice that we have appraised the Goods and Chattles seized on the————————————————, under the provisions of the Act No. VII. of 1847, of which a Notice and Inventory had been duly served upon you under date the———————————————, and that the said Goods and Chattles will be sold on the———————— at ————————pursuant to the provisions of the said Act.

(Signed) E. F.,
G. H.,
Sworn Bailiffs and Appraisers.

To A. B.

MADRAS.—EMIGRATION.

ACT No. VIII. OF 1847.

[*Passed on the 8th May,* 1847.

1. *Makes Emigration to Mauritius under Act XV. of* 1842, *lawful.*

2. *Madras Government may appoint a Protector of Emigrants; and no Emigrant to embark without a certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector to the effect required.*

An Act for rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

It is hereby enacted, that from and after the passing of this Act emigration to Mauritius may lawfully take place under the provisions of the Act No. XV. of 1842, from the Port of Madras as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as Protector of Emigrants at Madras, and that no Emigrant shall be permitted to embark without a Certificate from

the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

BENGAL.—ASSESSMENT OF NEW LANDS.

ACT No. IX. OF 1847.

[*Passed on the 8th May*, 1847.

1. *Repeals regulations establishing tribunals, &c. for assessing new alluvial lands, &c. and all investigations respecting the same now pending to cease and future measures for the assessment of such lands, &c. to be taken under this Act.*

2. *Act to extend only to parts of Orissa, subject to Bengal Government.*

3. *In districts of which a revenue survey is or shall be made, the Bengal Government may, every ten years after approval of survey, direct a new survey to be made, in order to ascertain the changes which have taken place, and may direct new maps to be made.*

4. *Declares on what dates the Government approval of specified surveys shall be deemed to have taken place—viz. survey of Chittagong and other specified districts on the days specified in Act, and approval of survey of other districts shall be deemed to have taken place on day specified in Government Gazette.*

5. *When on inspection of map it appears to Revenue authorities that land has been washed away from or lost to any estate paying revenue to Government, they shall make a deduction from the Sudder jumma of such estate in specified manner and proportion. Proposed deductions to be reported to Sudder Board of Revenue, whose orders to be final.*

6. *When on inspection of map it appears to Revenue authorities that land has been added to such estate, they shall assess the increments with revenue, and report their proceedings to the Sudder Board of Revenue, whose orders to be final.*

7. *When on inspection of map it shall appear to the Local Revenue authorities that an island has been thrown up liable to be taken possession of by Government, they shall take possession of same, assess it with revenue, and report to Sudder Board of Revenue, whose orders to be final; but party aggrieved by the taking possession may contest the right by regular suit in Civil Court.*

8. *Suits for the assessment, &c. of alluvial lands, &c. pending in appeal before, or open to appeal to the Special Commissioners, not to be affected by this Act.*

9. *No suit to be in any Court against Government or its officers, on account of any thing done in good faith in virtue of this Act.*

Act XXXI. of 1858 is an Act to make further provision for the settlement of land gained by alluvion.

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

It is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act, cease to have effect within the Provinces of Bengal, Behar and Orissa; and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And it is hereby enacted, that within the said Provinces, it shall be lawful for the Government of Bengal, in all districts or parts of districts, of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz.

Of the district of Chittagong on the Sixth day of September, 1842.

Of the district of Behar on the Ninth day of November, 1844.

Of the district of Patna on the Twenty-second day of June, 1844.

Of the district of Shahabad on the Twenty-eighth day of November, 1846.

Of the district of Sarun on the Eighteenth day of February, 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the Nineteenth day of September, 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October, 1842.

Of the central division of the Province of Cuttack on the Twenty-second day of February, 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October, 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the Twelfth day of September, 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the Fifth day of October, 1842.

Of the district of Cachar on the Fifth day of February, 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the Fifth day of February, 1844.

Of the district of Gwalparah on the Twenty-fourth day of December, 1842.

Of the district of Luckimpore on the Tenth day of November, 1845.

Of the district of Seebpore on the Eighth day of May, 1843.

And that the approval of the Revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

V. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been washed away from or lost to any Estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the Sudder Jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate; but if the Mofussil Jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate.

And this deduction, with the reasons thereof, shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the Local Revenue Authorities that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon, in regard to the assessment, shall be final. Provided, however, that any party aggrieved by the act of the revenue Authorities in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are, at the date of the passing of this Act, open to appeal to the Court of the Special Commissioners, according to the laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to Islands, no suit or action in any Court of Justice shall lie against the Government, or any of its Officers, on account

of any thing done in good faith in the exercise of the powers conferred by this Act.

CRIMINAL LAW.--CONVICTS.

ACT No. X. OF 1847.

Repeal of XVII of 62

[*Passed on the* 19*th June*, 1847.

Offenders sentenced to imprisonment for life, shall also be sentenced at same time to transportation for life, unless there are special reasons for not transporting offenders, &c.

An Act for amending Act XXX. of 1836.

It is hereby enacted, that within the Territories subject to the Government of the East India Company whenever any Court not included under the provisions of Act XXIV. of 1843, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

HONG KONG.--CONVICTS.

ACT No. XI. OF 1847.

[*Passed on the* 7*th August*, 1847.

G. G. in C. may authorize the G. and resident Councillors of Straits Settlements to receive Convicts from Hong Kong.

An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

It is hereby enacted, that it shall be lawful for the Governor General of India in Council in his executive capacity to authorize the Governor of Prince of Wales' Island, Singapore and Malacca to receive in the said Settlements, and the Resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said Settlements respectively, Convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's Settlement of Hong Kong, and that every such Con-

vict, which so received at any such place, shall be liable to all such and the same Laws, Rules and Regulations as are or shall be in force in any such place, with respect to Convicts transported from any place within the Territories subject to the Government of the East India Company.

BENGAL.—FINES ON MOONSIFFS AND SUDDER AMEENS.

ACT No. XII. OF 1847.

[*Passed on the* 21*st August*, 1847.

Repeals C. 3, *Sec.* 9. *Reg.* 23, 1814 *of Bengal Code which authorizes Judges to fine Moonsiffs and Sudder Ameens.*

An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens.

Whereas it was enacted by Clause 3, Section 9, Regulation XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorized to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final:

And whereas, by Section 67 of the said Regulation, the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameen, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated Judicial position which they now occupy:

It is therefore hereby enacted, that Clause 3, Section 9, Regulation XXIII. of 1814, and Section 67 of the said Regulation, so far as it declares the said Clause to be applicable to Sudder Ameens, are repealed.

EMIGRATION TO CEYLON.

ACT No. XIII. OF 1847.

[*Passed on the* 21*st August*, 1847.

1. *Repeals Act XIV. of* 1839, *so far as it prohibits contracts for emigration of Coolies to Ceylon.*

2. *But said Act XIV. to remain in force in this respect until G. G. in C. deem*

sufficient protection has been provided by the G. in C. of Ceylon for such emigrants.

An Act for repealing Act XIV. of 1839 so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

I. Whereas by Act XIV. of 1839 it was enacted, that every person who should make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who should knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, should be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months:

Provided always that nothing in that Act contained should be taken to apply to any Native Seaman who should of his own free will contract to navigate any Vessel, or who should embark on board such Vessel, in pursuance of such contract, or to any person who should contract to serve as a Menial Servant only, or who should embark as such Menial Servant:

And whereas the Island of Ceylon geographically, historically, and socially considered, is analogous to the Countries subject to the Government of the East India Company:

It is hereby enacted, that Act XIV. of 1839, in so far as it makes liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the said Island, or who shall knowingly aid or abet any Native of India in emigrating from the Territories subject to the Government of the East India Company to the said Island, is repealed.

II. But whereas the said Island is not subject to the Legislative power of the Governor General of India in Council, so that the said Governor General in Council is unable to make Laws for the protection of such Natives of India as may emigrate to the said Island against the evils which might attend the emigration of such Natives of India from the said Island to any British or Foreign Colony:

It is therefore hereby enacted, that this Act shall not come into operation until the Governor General of India in Council shall be

duly certified that the Legislature of the said Island has made such Laws as the said Governor General in Council shall think sufficient for the protection of such Natives of India so emigrating to the said Island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

BENGAL.—JUDICIARY.

ACT No. XIV. OF 1847.

[*Passed on the 28th August*, 1847.

Repeals Sec. 3, *Reg.* 4, 1793, *and corresponding part of Sec.* 3, *Reg.* 3, 1803, *of Bengal Code, as respects the transcription of plaints.*

An Act for repealing parts of Section III. Regulation IV. 1793, and Section III. Regulation III. 1803, of the Bengal Code.

It is hereby enacted, that so much of Section III. Regulation IV. 1793, and of the corresponding part of Section III. Regulation III. 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

CALCUTTA.—SURVEY.

ACT No. XV. OF 1847.

[*Passed on the* 11*th Sept.* 1847.

1. *C. of B. may appoint officer to survey Calcutta, wich officer shall register the names of owners and occupiers, &c. and give public notification of survey, &c.*

2. *Officer may enter and direct his subordinates to enter upon land, &c. giving previous notice to owner or occupier.*

3. *Persons obstructing or molesting officer or his subordinates on survey to be deemed guilty of a misdemeanour and punishable with fine not exceeding* 200 *Rupees.*

4. *In cases in which public notification is ineffectual, surveying officer may cause a special notice to be served on owners and occupiers requiring attendance &c. and production of documents, &c.*

5. *Surveying officer may summon witnesses; for non-attendance or refusal to answer lawful questions on oath or affirmation, may be attached in Supreme Court.*

6. *witness to be examined on oath before surveying officer, who may administer oath, except where in Supreme Court solemn declaration would be substituted for an oath.*

7. *False testimony before surveying officer to be deemed perjury.*

An Act for the Survey of Lands in the Town of Calcutta, within the Local limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

Whereas it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature:

I. It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to survey the lands situate within the said local limits, and such Officer shall proceed to survey the same and to register the names of the owners and occupiers thereof, as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or occupying lands and tenaments within the said local limits to appear before him in person, or by duly constituted attorney, at whatever place within the said limits his office may be held, and to bring with him all Pottahs, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And it is hereby enacted, that the said Officer shall, for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his Subordinate Officers to enter, into and upon any land or tenament within the said local limits, and in and upon the land on which any house, building, or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry into, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided, that such Officer or Subordinate Officers shall not enter upon any lands or tenaments which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that if any actions shall be commenced in the Supreme Court against any such Officer or Subordinate Officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time

shall obstruct or molest the said Officer or any of his subordinate Officers in the performance and execution of his or their duty, or any thing which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanour, and shall, on conviction before a Magistrate for the Town of Calcutta, forfeit and pay for every such offence any sum not exceeding 200 Rupees.

IV. And whereas such notification as is directed by Section I. of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenaments within the said local limits, or his agents or representatives, to be served with a special notice, under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him, and the period within which such person is to attend, and if such person cannot be found, the notice shall be affixed to his usual place of residence, if that be within the said local limits, or if not, then on the Premises to be surveyed. Provided always, that no person shall be required to produce any Title Deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purpose of this Act, it shall be lawful for the Surveying Officer, by writing under his hand, to summon any person whatsoever to attend as a witness, at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation, or declaration, or to answer all such questions as the Surveying Officer may legally demand, shall be liable to be attached in the Supreme Court upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorized to administer. Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such Surveying Officer, shall be deemed guilty of wilful and corrupt perjury.

CALCUTTA.—MUNICIPAL ASSESSMENT.

ACT No. XVI. OF 1847.

[*Passed on the 23rd October*, 1847.

1. *Repeals Act XXIV* 1840.

2. *After* 1st *Jan.* 1848, *assessments not to be made by Justice but by a Board of seven Commissioners, three to be appointed by Governor of Bengal, and four elected by rate payers, or, in default of election, to be appointed by G. of B.*

3. *Salary of Commissioners to be fixed by G. of B. with concurrence of G. G. in C. Five Commissioners to be a quorum. One Commissioner may issue distress warrant.*

4. *Time, place and manner of Election to be according to scheme to be agreed upon within one month after passing of Act by meeting of owners and occupiers of assessed houses, not being less than* 100 *in number, and to be approved by G. G in C.*

5. *Owners and users of Carriages, Carts and Horses to be taxed for same according to rates mentioned in Schedule, Commissioners may compound with Livery Stable Keepers, &c.*

6. *Taxes to be levied quarterly. Persons owning or using carriages, &c. one month, to be liable for a quarter's tax.*

7. *Taxes and assessments of all kinds to be of such amount as, together with funds supplied by Government, shall appear to the Commissioners expedient for effecting the purposes of the Act: but assessment on property not to exceed five per cent. without sanction of G. of B.*

8. *Commissioners may appoint assessors and collectors, &c.*

9. *In assessment rate or distress warrant names of owners, &c. need not be stated, but identification, by number of houses, &c. sufficient.*

10. *Goods of owners to be seizable any where, &c. If goods of tenants are seized, he may deduct amount from his next rent.*

11. *If goods liable to distress are concealed in any Zenana, the officer shall make special report to Commissioner, who shall follow same rules in respect thereof as Supreme Court in like case.*

12. 13 14 *The Commissioners shall make, amend, and revoke rules for regulating the time and manner of assessing, &c taxes, and for compelling persons to give information, &c.* (13) *Such rules to be approved by G. of B. and G. G. in C.* (14.) *Arrears and penalties to be levied by distress, &c*

15. 16. *Prescribe the purposes to which, after paying salaries and expenses, the proceeds of the rates, &c. shall be applied. Schedule.*

For constituting Commissioners for the Improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers.

So much of this Act as relates to the election and holding office of the Commissioners for the Improvement of the Town of Calcutta is repealed by Act XXIX. 1850 and afterwards is also repealed by Act X. 1852.

BENGAL AND MADRAS.—PROCEDURE.

ACT NO. XVII. OF 1847.

[*Passed on the 6th November*, 1847.

Defaults of procedure in suits and appeals to be considered as cured when opposite party has taken a step passing them over.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

Repealed by the new Code of Civil Procedure, Act VIII. 1859.

BENGAL.—REGISTRATION OF DEEDS.

ACT No. XVIII. OF 1847.

[*Passed on the 27th November*, 1847.

1. *Deeds registered by persons who have had charge of the office without being duly appointed shall be deemed validly registered.*
2. *Deeds registered on other than Court days to be deemed validly registered.*

An Act for curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.

Whereas instances have occurred of persons exercising the office of Register of Deeds who have not been duly appointed; and whereas in some cases registration of Deeds has been made on other than Court days, that is on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any Deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law:

I. It is therefore hereby enacted, that acts which may have

been done in that capacity in any Zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Register of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of Deeds, or by the person having charge of the Office without being duly appointed, in any Zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

ARTICLES OF WAR FOR NATIVE ARMY.

Repealed by XXIX of 1861

ACT No. XIX. OF 1847.

[*Passed on the* 18*th December*, 1847.

Recites expediency of making certain amendments in the Articles of War, for government of Native Army.

1. *Repeals the said Articles of War contained in Act XX.* 1845.

2. *Enacts the following Articles of War.*

ARTICLES OF WAR.

SECTION I.—*Of Enlisting and Discharges.*

Article 1.—*Every recruit to have the first four Articles of Section* 2 *read, &c. to him; after which oath or declaration shall be required of him.*

Article 2.—*No Commissioned Officer to be dismissed, except by Sentence of G. C. Martial nor any Non-commissioned Officer or Soldier except by Sentence of C. M. or order of Commander-in-Chief of Presidency. Pension to be forfeited on discharge, &c. Provided, Sentence of discharge by C. M. inferior to G. C. M. not to be carried into effect without concurrence of Commander-in-Chief, &c. But the G. G in C. in his executive capacity and G. in C. &c. empowered to order dismissal or discharge.*

Article 3 —*Non-commissioned Officers and Soldiers discharged, to be furnished with Discharge Certificate, expressing, &c.*

Article 4.—*Non-commissioned Officer or Soldier enlisting into H. M.' regiment without a regular discharge, to be liable to be treated as a Deserter.*

SECTION II.— *Crimes punishable with Death, Transportation &c.*

Article 5.—*Officer or Soldier beginning, &c. exciting, &c. mutiny, or being*

present and not endeavouring to suppress it, or coming to the knowledge of, &c. and not giving information to Commanding Officer.

Article 6.—*Striking superior Officer, or drawing, &c. weapon, or using, &c. any violence, &c. on or off duty, &c.*

Article 7.—*Disobeying lawful command of superior Officer.*

Article 8.—*Deserting from E. I Co's service.*

Article 9.—*Being sentry, in time of war, &c. sleeping, &c. or leaving his post shamefully, &c.*

Article 10.—*Abandoning, &c any garrison, &c. or using means to induce abandonment of garrison, &c.*

Article 11.—*Treacherously making known the watch-word, &c.*

Article 12.—*Holding correspondence with, or giving intelligence to enemy, &c.*

Article 13.—*Directly or indirectly assisting, &c. the enemy, or harbouring enemy, &c.*

Article 14.—*Treacherously releasing, &c. any enemy, &c. placed as a prisoner under his charge.*

Article 15.—*Misbehaving himself before the enemy, &c.*

Article 16.—*In presence of enemy, &c. casting away his arms, &c.*

Article 17.—*Leaving his Commanding Officer, post, colors, or party, in time of action, to go in search of plunder.*

Article 18.—*In time of war doing violence to any person bringing provisions, &c. forcing a safeguard, breaking into house, &c. for plunder, or plundering fields, &c.*

Article 19.—*In time of war, intentionally occasioning false alarms, by discharging fire arms, &c.*

Article 20.—*Without proper authority releasing state prisoners, &c.*

Article 21.—*Being a sentry over state prisoner, &c. quitting his post, &c.*

Punishments for above offences.—*If an officer, to suffer death or transportation for life, or be dismissed the service, and, if a soldier, death or transportation for life, or imprisonment, &c. or corporal punishment, or dismissal, &c. as by a G. C. M. shall be awarded.*

Crimes not punishable with Death.

Article 22.—*Officers or soldiers spreading reports, &c. calculated to create unnecessary alarm, &c.*

Article 23.—*In or previous to action, using words tending to create alarm, &c.*

Article 24.—*Being drunk when on or for duty, or on parade, &c.*

Article 25.—*Any soldier being grossly insubordinate, &c. in the ranks or in presence of Court Martial, shall, if an officer, be dismissed, &c. or suspended, &c. and if a soldier, be punished as C. M shall award, but not with death, transportation, or imprisonment with hard labour.*

Article 26.—*Officer behaving in a manner unbecoming an officer, &c.*

Article 27.—*Officer or Soldier under arrest, leaving his confinement, &c.*

Article 28.—*Advising or persuading other officer or soldier to desert, &c. conniving at desertion, &c. receiving deserter, &c.*

Article 29.—*Obtaining, &c. for officer, &c. any pension, &c. by false statement, &c.*

Article 30.—*Knowingly making false return,* &c. *of the state of the men under his command, or of arms, &c.*

Article 31.—*Malingering, feigning or intentionally producing disease, &c.*

Article 32.—*At any post, or on march, &c. extorting money, &c. as fees, &c. or extracting from villagers carriage, &c.*

Article 33.—*Wantonly and intentionally defiling places dedicated to religious worship, &c. or insulting religious prejudices,* &c.

Article 34.—*Without orders committing waste, &c. or destroying property.*

Article 35.—*Soldier off duty, contrary to orders, appearing in camp,* &c. *or on occasion of visiting towns, &c. carrying sword, &c.*

Article 36.—*Selling, pawning, &c. horse,* &c.

Punishments for above offences :—*If an officer, dismissal from the service, or suspension from rank, &c.: if a soldier, such punishment as a General, District or Garrison C. M. is by these articles empowered to award.*

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

Article 37.—*Officer or soldier embezzling,* &c. *money,* &c. *or provisions,* &c. *or spoiling,* &c. *property, or conniving at above crimes, shall, on conviction before G. C. M. be dismissed the service, fined, &c. and liable to imprisonment, &c*

Article 38.—*Soldier guilty of disgraceful conduct, in maiming himself, &c ;* (39) *in purloining,* &c. *Government stores ;* (40) *in stealing money,* &c. *the property of a soldier,* &c.; (41) *in embezzling,* &c. *public money ;* (42) *in committing paltry offence of a fraudulent nature,* &c.: (43) *or guilty of other disgraceful conduct being of a cruel, indecent, or unnatural kind :—*

Punishment—*Such as G., D., or Garrison C. M. may under these articles award for disgraceful conduct, and offender, if not dismissed, shall be put under stoppages.* &c. *and, if dismissed, shall forfeit arrears of pay,* &c.

Crimes not punishable with Corporal Punishment, or Imprisonment with Labor.

Article 44.—*Officer,* &c. *striking,* &c. *any soldier.*

Article 45.—*Sentry in time of peace sleeping on his post, or leaving it,* &c.

Article 46.—*Officer,* &c. *knowingly enlisting a deserter,* &c.

Article 47.—*Directly or indirectly requiring,* &c. *a bribe, &c. as a consideration for procuring leave of absence, &c.*

Article 48.—*Not seeing reparation done to parties injured in manner specified, or not reporting case to Superior Officer.*

Article 49.—*Refusing to receive prisoner duly committed, &c.*

Article 50.—*Quitting guard or picquet in time of peace, &c.*

Article 51.—*Impeding Provost Martial, &c. or refusing to assist him,* &c.

Article 52.—*Being absent from his regiment, not rejoining same on proper information of its being ordered on service.*

Article 53—*In time of peace, occasioning false alarms, &c. discharging fire arms, &c.*

Article 54.—*Omitting to repair to parade at fixed time, &c.*

Article 55.—*Quitting his Troop or Company without leave, &c.*

Article 56.—*Absenting himself without leave, or overstaying his time, &c.*

Article 57.—*Being found two miles from camp contrary to orders, &c.*

Article 58—*Contrary to orders, being absent from cantonments after tatoo, &c. or from camp, &c.*

Article 59.—*Selling, losing, wasting, &c. ammunition, &c.*

Article 60.—*Crimes not capital, and disorders or neglects, to the prejudice of good order and military discipline, not specified in these articles, to be cognizable by C M. and punished, according to nature and degree of offence, &c. but not with corporal punishment or imprisonment with hard labor.*

Crimes incident to Courts Martial.

Article 61.—*Person amenable to Articles of war, duly summoned before Court Martial, and not attending, refusing to be sworn, &c. shall be punished by same or another C. M. in manner specified.*

Article 62.—*Persons not amenable to Articles of war, committing above offences, to be delivered over to Magistrate, &c.*

Article 63.—*Person using menacing or disrespectful words, &c. in presence of a C. M. then sitting, &c. shall be punished according to condition of offender, &c.*

Article 64.—*Officer or Soldier guilty of wilfully giving false evidence, &c. before G. or other C. M.; or of inducing other person to do so: to be dismissed, &c. the Service, &c.*

Crimes admitting of less serious notice.

Article 65.—*Permits, on application to, and with consent of General or other Officer, &c. crimes requiring less serious notice, to be tried by District, Garrison or Reg. C. M. but not mutiny, &c.*

Offences on the line of March, or on board vessels.

Article 66.—*For offences committed on line of March, or on board ship, &c. the Officer in command may try Soldier by Regimental or Detachment C. M. and confirm and execute sentence, &c. but sentence not to exceed that which Reg. C. M. is competent to award, &c.*

SECTION III.—*Administration of Justice.*

Article 67.—*Officer or Soldier committing Crime deserving punishment by C. M. to be put under arrest, &c.*

Article 68.—*No person to be fined or punished for offence committed more than three years before, &c. except in case of specified impediments to earlier trial, and then trial to take place not more than two years after expiration of impediment.*

Article 69.—*Offender may be tried in any place where he may come after commission of offence.*

Article 70.—Gives power to Commander-in-Chief at the different Presidencies to appoint G. or other Courts-Martial; confirm, &c. Sentences; by warrant to authorize General Officers, &c. to appoint C. M. &c.

Article 71.—G. C. M. not to consist of less than thirteen commissioned officers, except when held out of the E. I. Co.'s territories, and then of seven. Sentenc not to be put in execution until reported to C.-in-C., &c. and confirmed, &c.

Powers of General Court Martial.

Article 72—G. C. M. may sentence to death or transportation for crimes liable to those punishments. When punishment is not defined by these articles, in case of Commissioned officer, G. C. M. may adjudge dismissal from service &c. and may sentence non-commissioned Officer to dismissal, &c. and soldier to suffer two hundred lashes, *&c.*

Confirmation and Commutation of Sentence by C.-in C.

Article 73.—Sentence of death may be commuted by C.-in C. into transportation for life, &c. and transportation, in case of Commissioned Officers, into dismissal from service, &c. and dismissal, in like case, into suspension from rank and pay, &c. and transportation in case of soldier, into imprisonment, &c. and corporal punishment and dismissal, &c. or, in case of non-commissioned Officer, reduction to the ranks, &c. and in like case may commute sentence of dismissal to reduction to the ranks, &c.; like powers as to sentence to imprisonment with hard labor, &c.

Article 74.—District or Garrison C. M. to consist of not less than seven Commissioned Officers, except in specified circumstances, when it may consist of five &c. Sentence of, requires Confirmation, Commander-in-Chief may remit, mitigate or commute sentences of such C. M.

Powers of District or Garrison Court Martial.

Article 75.—D. or G. C. M. may sentence non-commissioned officer to be reduced to the ranks, &c. or dismissal, &c. or placed lower, &c. and soldier to be dismissed, to suffer corporal punishment, &c. or imprisonment, &c. and in addition, to forfeit additional pay or pension, &c.

Article 76.—Reg. C. M. to consist of five, or, in specified circumstances, three Commissioned Officers: and be assembled by order of Commanding Officer of Regiment. Sentence to require confirmation of Commanding Officer. Sentences of corporal punishment, &c. not to be carried into effect without sanction, &c. of Officer commanding the division, &c. except in detached situations, &c. where an immediate example is necessary.

Powers of Regimental Court Martial.

Article 77.—Same as of District C. M. except as to amount of corporal punishment, and length of imprisonment and punishment, and extent of forfeitures, which it may award.

Article 78.—*Officer commanding detachment of his own regiment may assemble Reg. detachment C. M. and Officer commanding detachment from different corps may assemble Detachment or Line C. M. &c. Sentence to require confirmation of Officer commanding the Regiment, in certain cases.*

Article 79.—*Officer convening may instruct the C. M. when not to make corporal punishment or solitary confinement part of its sentence.*

Execution of Sentence of Court Martial.

Article 80.—*In sentence of death, Court shall specify the mode of execution in prescribed form of words.*

Article 81.—*Sudder Courts to carry into execution sentences of transportation, &c. and judge, &c. sentences of imprisonment.*

Article 82.—*Commander-in-Chief may order transportation beyond sea, of soldier under sentence of transportation for life, &c.*

Article 83.—*Commander-in-Chief may order persons under sentence of imprisonment, to be imprisoned in any public prison. &c.*

Article 84.—*Soldier previous to undergoing imprisonment with hard labour, to be struck off the strength of his corps, &c.*

Offenders sentenced to dismissal for Disgraceful Conduct.

Article 85.—*Such offenders when subjected to corporal punishments, or imprisonment with hard labour, to be dismissed with ignominy.*

Article 86.—*Fine or stoppages adjudged by C. M. may be satisfied out of arrears of pay, &c No soldier to be continued under forfeiture longer than one year, nor at any one time to more than half his pay or allowances, &c.*

Forms of Proceeding.

Article 87.—*Trials to take place between the hours of* 6 A. M. *and* 4 P. M. *except, &c.*

Article 88.—*At General Court Martial a Judge Advocate or European Officer of not less than ten years' service, to conduct the proceedings; and European officer of not less than four years' standing at C. M. inferior to General, except, &c.*

Article 89.—*C. M. to have an interpreter, &c.*

Article 90.—*Senior Officer to be President. Native Officers how to rank. Trial to go in case of death, &c. of President, if the requisite number of Officers present, &c.*

Article 91.—*No finding or sentence to be revised more than once; on revision, no evidence to be received. Same members to be convened for revision of sentence, &.*

Manner of Voting.

Article 92.—*C. M. in giving votes, to begin with the youngest member; except when death is awarded, decision to be according to the majority; in case of*

equality, decision to be in favor of prisoner, except in question of finding. President to have a casting vote.

Article 93.—*Sentence of death not to be given, unless two thirds of the members present concur, &c.*

Affirmations.

Article 94.—*Affirmation to be administered to Interpreter; also to each member; also to Judge Advocate or Superintending Officer.*

Article 95.—*Witnesses to be examined on oath or affirmation, according to the forms of their religions, &c: Wilful false evidence to be punished as perjury.*

Summoning Witnesses not amenable to these Articles.

Article 96.—*Such witnesses to be summoned by magistrate on requisition of Judge Advocate, &c.*

Powers and Duties of Provost Marshal.

Article 97.—*For repression of irregularities, &c. in the field and on line of march, Provost Marshal to be appointed. Their duties, their powers, how limited.*

Trials by European Court Martial.

Article 98.—*Continues to native troops the privilege (where it already exists) of claiming to be tried by C. M composed of European Officers. G. G. of I. in C. may give this privilege to native troops in any presidency.*

SECTION IV.—*Effects of the Dead.*

Articles 99 *and* 100.—*Officer or soldier, &c. dying, &c. Commanding Officer, &c. shall, if no heir or executor appears, secure his effects, &c. Effects to be publicly sold; and, after payment of debts. &c. residue to be accounted for to heir or other representative, &c or remitted to General Treasury.*

SECTION V.—*Miscellaneous.*

Article 101.—*Effects of deserter to be publicly sold, and, after payment of debts, &c. residue to be remitted to General Treasury.*

Article 102.—*Powers under these articles relating to Commander-in-Chief, shall belong to Commander-in Chief at any presidency, &c. and power relating to soldiers to extend to Non-Commissioned Officers.*

Article 103.—*Troops of one presidency, serving in another presidency, to be deemed to be under orders of Commander-in-Chief, in latter presidency, &c. unless Governor-General otherwise orders, &c.*

Article 104.—*Officer commanding E. I. Co.'s troops in places out of H. M.'s dominions, &c. shall, on complaint, &c of offences, &c. summon a G. C. M.*

though not authorized by warrant. Such C. M. to consist of three Officers at least, and to have all powers of G. C. M. under these articles. But sentence to be confirmed, &c.

Article 105.—*Only G. C. M. shall have power to try Commissioned Officers or to sentence to death, or transportation.*

Article 106.—*No person acquitted or convicted before C. M. to be tried a second time for same offence, but previous conviction, &c. may be given in evidence, &c. for purpose of affixing punishment.*

Article 107.—*Non-Commissioned Officer not to be reduced to the ranks, but by sentence of a C. M. or by order of C.-in-C. &c.*

Article 108.—*Officer or soldier thinking himself wronged by his superior officer, is to complain to Commanding Officer of his troop or Company, &c.*

Article 109.—*In case of light offences Commanding Officer may award extra drill, &c. restriction to barrack room, &c. confinement in quarter guard, &c.*

Article 110.—*Officer or soldier, taken prisoner, shall forfeit pay, &c. while a prisoner, but on returning to service, &c. shall be entitled to pay, if he can establish facts specified in articles.*

SECTION VI.—*Mode of Dealing with Offences not Military.*

Articles 111 *and* 112—*Offenders under this head to be delivered over to civil functionaries, unless in places where H. M. may have no civil functionaries, &c.*

Articles 113, 114, *and* 115.—*G. C. M. shall have cognizance of offences punishable with death, transportation and imprisonment for life, or a term of seven years. District or Garrison C. M. cognizance of offences, punishable with imprisonment for three years, &c. and Regimental Detachment and Line C. M. of offences punishable with six months' imprisonment, &c.*

Punishment of Death.

Article 116.—*Murder to be punished with death, by hanging, &c. Killing one person, with intent to have killed another, to be deemed murder. Also wilful injury, though not intended for any person in particular, but killing any person, to be deemed murder.*

Punishment of Transportation.

Article 117.—*Breaking, &c. by day or night into any dwelling house, &c. with intent to rob, or steal; robbery or attempt to rob, stealing, &c. in house or from the person, accompanied respectively with attempt to commit murder, &c. shall be punished with transportation for life, &c.*

Imprisonment for Fourteen Years.

Articles 118, 119, 120, 121, 122, *and* 123.—*Last-mentioned offences, accompanied with wounding, &c. not endangering life; wounding with intent to murder, &c. another person; robbery by open violence, or dacoity, &c.; breaking into dwell-*

ing house, &c. between sunset and sunrise, with intent to rob, &c. or actually stealing from such dwelling house, &c. not exceeding one hundred Rupees, purchasing, &c. stolen property, punishable with imprisonment, &c. not exceeding fourteen years.

Imprisonment not exceeding Seven Years.

Articles 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, *and* 135.—*Culpable homicide not amounting to wilful murder; premeditated affray, attended with homicide, &c.; intentionally wounding, &c. accidentally wounding, &c. with intention of injuring some other person: breaking into dwelling house, tent, &c. between sunrise and sunset, with intent to steal, &c. stealing &c. any property exceeding three hundred Rupees in value, &c. purchasing stolen property, &c. exceeding same value, &c. Arson; unnatural crime; rape; enticing and taking away &c. unmarried woman under the age of sixteen years; stealing child under eight years, punishable with imprisonment, &c. not exceeding seven years.*

Imprisonment not exceeding Three Years.

Article 136—*Commander-in-Chief, &c. may authorize District or Garrison C. M. to try soldiers for above offences, but with power to sentence only to imprisonment, &c. not exceeding three years.*

Articles 137, 138, *and* 139.—*Officer or soldier convicted by G. D. or Garrison C. M of stealing, &c. property exceeding fifty and not exceeding three hundred Rupees in value; of having purchased &c. stolen property not exceeding three hundred Rupees in value; or of having stolen property in his possession, &c. punishable with imprisonment, &c not exceeding three years.*

Article 140—*Regimental, Detachment, or Line C. M. may sentence to imprisonment not exceeding six months, for offences for which no punishment exceeding imprisonment for three years with hard labor is provided.*

Articles 141, 142—*Stealing property to value of fifty Rupees or less; committing assault, &c. punishable with imprisonment, &c. not exceeding one year, by sentence of G. D. or G. C. M. and not exceeding six calendar months, by sentence of Regimental, D. or L. C. M.*

Articles 143, *and* 144.—*Resisting process of Magistrate, &c. and any offence not provided for in Articles of War, punishable with imprisonment for not less than two years, one year, and six months, by sentence of General C. M. District, or garrison, and R. D. or Line C. M. respectively.*

Article 145.—*Aiding and abetting, &c. offences punishable in same manner as the principal offences.*

Article 146.—*No sentence of death to be carried into effect, until confirmed by the Commander-in-Chief, nor until such confirmation has been concurred in by presidency Government, if trial has been had within limits of presidency.*

Article 147.—*Commander-in-Chief may confirm sentence of death, or commute it, &c.*

Article 148.—*Sentence of transportation not to be carried into effect until confirmed. Commander-in-Chief may commute it, &c.*

Article 149.—*Any officer having authority to confirm, may remit or mitigate sentence, &c.*

Article 150.—*No sentence of imprisonment with hard labor passed by R. D. or L. C. M. and no award of discharge, &c. shall be carried into effect without sanction of Officer Commanding Division, &c.*

Article 151.—*No person tried by C. M. under Articles of War shall be tried for same offence in any other Court, and after trial in Civil Court, C. M. not to punish otherwise than by cashiering or dismissal, &c*

Article 152.—*Continues regulations relating to the powers of Commissariat Officers, &c.*

SECTION VII.—*Application of the Articles.*

Article 153.—*To what persons and classes these articles to apply, viz. all officers, soldiers, all drivers, farriers, &c. provided that persons of European descent &c. professing the Christian religion, shall not be amenable to these articles, &c. but shall be tried as persons who are subject to the Mutiny Act, &c.*

Promulgation of Articles.

Article 154.—*The above articles to be translated into the languages of the different presidencies, specified parts to be read every six months, at the head of every regiment, &c.*

Supplemented by Act VI. 1850 (An Act for enabling the Commander-in-Chief to pardon Military offences) and Amended by Acts VIII. 1857 and XXXII. 1857. See also Act XIV. 1849, (An Act to punish tampering with the Army or Navy.,

An Act to make certain Amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company.

Whereas it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March, 1848, the Articles of War provided by Act XX. of 1845 are repealed.

II. And it is enacted, that the following Articles of War shall, from and after the said day, be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers.

Provided always that all crimes and offences committed against the Articles of War provided by Act XX. 1845, aforesaid, may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided; and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. 1845 aforesaid, shall remain in full force, notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ARTICLES OF WAR

SECTION I.

OF ENLISTING AND DISCHARGES.

ARTICLE 1.— Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

*ARTICLE 2.—No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander-in-Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.—All Non-Commissioned Officers and Soldiers dis-

charged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.—No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

CRIMES AND PUNISHMENTS.

Crimes punishable with Death, Transportation, Corporal punishment, Imprisonment, or Dismissal.

ARTICLE 5.—Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State. shall not without delay give information thereof to his Commanding Officer;—or

ARTICLE 6.—Who shall strike his Superior Officer, or shall draw, or offer to draw, or lift up any weapon, or use or offer any violence, against him, whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner;—or

ARTICLE 7.—Who shall disobey any lawful Command of his Superior Officer;—or

ARTICLE 8.—Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;)—or

ARTICLE 9.—Who, being a Sentry, in time of war or alarm,

shall sleep upon his post; or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge;—or

ARTICLE 10.—Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so as to abandon or deliver up any such Garrison, Fortress, Post, or Guard;—or

ARTICLE 11.—Who shall treacherously make known the watch-word to any person not entitled to receive it, according to the Rules and discipline of War;—or

ARTICLE 12.—Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly; or who coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer;—or

ARTICLE 13.—Who shall, directly or indirectly, assist or relieve the enemy, or persons in arms against the State, with money, victuals, or ammunition; or shall knowingly harbour or protect any enemy or person in arms against the State;—or

ARTICLE 14.—Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the state, placed as a prisoner under his charge;—or

ARTICLE 15.—Who shall misbehave himself before the enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave;—or

ARTICLE 16.—Who shall, in presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition;—or

ARTICLE 17.—Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder;—or

ARTICLE 18.—Who, in time of war, shall do violence to any person bringing provisions or other necessaries to the Camp or quarters of the forces; or shall force a safeguard; or break into any house, or other place for plunder; or plunder fields, or gardens, or other property;—or

ARTICLE 19.—Who, in time of war, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words

or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters;—or

ARTICLE 20.—Who shall, without proper authority, release any State Prisoner, or, through carelessness or neglect, shall suffer any such Prisoner to escape; or shall connive at the plunder or injury of property in time of War, or the plunder or injury of Treasure, or of a Magazine, or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed;—or

ARTICLE 21.—Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine, or Dock Yard, shall quit his post without being regularly relieved, or without leave; or shall sleep upon his post; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be dismissed the Service;

And, if a soldier, shall, on conviction, suffer Death or Transportation for life; or Imprisonment, with or without hard labour, for life, or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or Dismissal from the Service; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment, with or without solitary confinement, or loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 22.—Any Officer or Soldier who shall in operations in the field, spread reports, by words or letters, calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army;—or

ARLTICLE 23.—Who shall, in Action or previously to going into Action, use words tending to create Alarms or Dispondency;—or

ARTICLE 24.—Who shall be drunk when on, or for duty, or on Parade, or on the Line of March;—or

ARTICLE 25.—Who shall strike or force any Sentry:—or

ARTICLE 26.—Any Soldier who shall be grossly insubordinate or insolent to his superior Officer in the execution of his Office; or grossly insubordinate and violent in the presence of a Court Martial;—or

ARTICLE 27.—Who, being on actual Service, shall refuse to assist in making field works;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction, before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death or Transportation, or Imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General, or District Court Martial, with Dismissal, Reduction, Imprisonment, with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and soldiers.

ARTICLE 28.—Any Officer who shall behave in a manner unbecoming the character of an Officer; (the fact or facts whereon the charge is grounded being clearly specified therein;)—or

ARTICLE 29.—Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power;—or

ARTICLE 30.—Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or allowance, by any false Statement, Certifi-

cate, or Document, or by the omission of the true Statement, or Certificate, or Document ;—or

ARTICLE 31.—Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge ;—or

ARTICLE 32.—Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall, without authority, exact from Villagers or others, carriage, porterage, or provisions ;—or

ARTICLE 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons ;

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances.

And, if a Soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal, Reduction, Imprisonment, with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 34.— Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority ;—or

ARTICLE 35.—Who shall malinger, feign or intentionally produce disease or infirmity ; or intentionally delay his cure; or intentionally aggravate his disease or infirmity ;—or

ARTICLE 36.—Who shall, without orders, commit any waste or spoil, or plunder, or shall injure or destroy any property ;—or

ARTICLE 37.—Any Soldier who shall, contrary to orders, when

off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a Sword, Bludgeon, or other Weapon ;—or

ARTICLE 38.—Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries; or any of the above Articles entrusted or belonging to any other Soldier; (Amended by Act III. 1854.)

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal punishment.

Embezzlement, punishaqle by General Court Martial with Dismissal, fine, and Imprisonment, with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.

ARTICLE 39.—Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances: and be further liable to suffer Imprisonment, with or without hard labour, for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment, with or without hard labour and solitary confinement, and, in addition with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissoned Officers and Soldiers.

ARTICLE 40.—Any Soldier who shall be guilty of *disgraceful conduct;*

In wilfully maiming or injuring himself, or any other Soldier, at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life: —or

ARTICLE 41.—In purloining or selling Government Stores; —or

ARTICLE 42.—In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army;—or

ARTICLE 43.—In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property;—or

ARTICLE 44.—In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose;—or

ARTICLE 45.—In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military;—or

ARTICLE 46.—Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment, with or without solitary con-

finement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.—Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier;—or

ARTICLE 48.—Any Sentry who, in time of peace, shall sleep upon his Post; or shall leave it before regularly relieved or without leave;—or

ARTICLE 49.—Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment;—or

ARTICLE 50.—Who, directly or indirectly, shall acquire or accept a bribe, present, or gratification, on the pretence of, or as a consideration for, procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier;—or

ARTICLE 51.—Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer;—or

ARTICLE 52.—Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority, release any prisoner, or shall suffer through carelessness or neglect, any prisoner to escape;—or

ARTICLE 53.—Who shall quit his Guard, or Picquet, in time of peace, without being regularly relieved, or without leave;—or

ARTCILE 54.—Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority;—or refuse to assist him when requiring his aid in the execution of his duty;—or

ARTICLE 55.—Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay;—or

ARTICLE 56.—Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means

whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments;—or

ARTICLE 57.—Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;—or

ARTICLE 58.—Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade;—or

ARTICLE 59.—Who shall absent himself without leave: or shall, without sufficient cause, overstay the period for which leave may have been granted him;—or

ARTICLE 60.—Any Soldier who shall be found two miles from the Camp contrary to orders;—or

ARTICLE 61.—Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating;—or

ARTICLE 62.—Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander-in-Chief may direct;

And, if a Soldier, shall on conviction before a General, or District, or garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.—All crimes not capital, and all disorders or neglects which Officer or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

Crimes incident to Courts Martial; punishable by General Court

Martial with Dismissal or Suspension of Officers, and by any Court Martial, with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

ARTICLE 64.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the sentence of the same or another Court Martial, with Dismissal, or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer; or with Dismissal or Imprisonment if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.—Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who, attending, shall refuse to be shown, or to make affirmation, or to answer any lawful question: or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.—Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour; and if not amenable to these Articles of War, the offender

shall be delivered over to a Magistrate to be proceeded against according to law.

Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.—Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be Dismissed the Service, and shall be further subject to Fine, to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.—Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "*Disgraceful Conduct*" in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term "*Disgraceful Conduct*" shall be omitted in the Charge; and the offender shall, on conviction, be liable to Suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

ARTICLE 69.—For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief.

SECTION III.

ADMINISTRATION OF JUSTICE.

ARTICLE 70.—Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other cricumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.—The Commander-in-Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial and confirm, and mitigate, or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the command of a body of troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.—A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

* ARTICLE 75.—A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the service;—or to be Suspended from Rank and Pay and Allowances, for a stated period; —or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction which they shall so adjudge;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander-in-Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be Dismissed the service; —or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*;—or Imprisonment, with or without hard labour, not exceeding *two years*; —and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from

past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander-in-Chief.

ARTICLE 76.—In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which Sentence of Death is awardable under these Articles of War, the Commander-in-Chief may confirm such Sentence, and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be Imprisoned for any term of years, or to be Dismissed; and, if a Soldier, to be Transported for life, or to be imprisoned, with or without Hard Labour, either for life, or for a certain term of years, and with or without solitary cofinement, (to be regulated as aforesaid,) as to the Commander-in Chief may seem meet.

In cases of Commissioned Officers Sentenced to *Transportation* the Commander-in-Chief may, in lieu thereof, order the offender to be imprisoned for any term of years, or to be Dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander-in-Chief may, in lieu of such Punishment, direct, that the offender be Suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

And the Commander-in-Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement (to be

regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander-in-Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer, may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officers Sentenced to be *dismissed* from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander-in-Chief may mitigate such Sentence by causing the offender to be Reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be Dismissed from the servirce: o suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 77.—A District, or Garrison Court Martial shall consist of not less than *seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander-in-Chief, or by some Officer duly anthorized to confirm the same.

Commutation of Sentence.

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the

same manner as the Sentences of General Courts Martial; and to delegate to, or withhold from, Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (*not including forfeiture of pay or pension or other advantage,*) as the Commander-in-Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* ARTICLE 78.—A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be Reduced to the ranks, —or may Sentence any Non-Commissioned Officer or Soldier to be Dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes;* or Imprisonment, with or without Hard Labour, not exceeding *one year,* and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and

Allowances, until the amount of such loss or damage be made good.

ARTICLE 79.—A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever, passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is comptent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour*, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

Powers of a Regimental Court Martial.

* ARTICLE 80.—A Regimental Court Martial may Sentence any Non-Commissioned Officer to be Reduced to the ranks; or may sentence any Non-Commissioned Officer or Soldier, to be dismissed from the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes;* or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months;* and to be kept in solitary confinement (to be regulated as aforesaid)

Any such Court Martial may, in addition to the punishment of

Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.—An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment; — (who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do;)— Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary, and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.—At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the

Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awardable in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.—In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.—Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And whenever any sentence of a Court Martial shall adjudge Imprisonment with Hard Labour, or with Solitary Confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such Sentence, on the offender being delivered into his custody, and on being furnished with a copy of the Sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.—Whenever any Soldier shall be sentenced to Imprisonment for life, or a Sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be Transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for Transportation.

ARTICLE 86.—Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander-in-Chief shall from time to time direct.

ARTICLE 87.—Every Soldier sentenced to Imprisonment with Hard Labour, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such Sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 88.—Offenders sentenced to dismissal for *disgraceful conduct;*

And offenders subject to Corporal Punishment, or to Imprisonment with Hard Labour for *disgraceful conduct*, shall, on any such Sentence being confirmed, be Dismissed with Ignominy.

ARTICLE 89.—In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such Sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 90.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.—At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years' service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years' standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.—An Interpreter shall be appointed to all Courts Martial; and any Interpreter or other competent person available

at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an interpreter or other competent person are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 93.—At all Courts Martial the Senior Officer shall sit, as President, without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar, Rissaldars and Rissaidars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 94.—No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 95.—All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a Sentence of Death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Article; but in case of an

equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the Finding and the Sentence, the President shall have a casting vote.

ARTICLE 96.—No Sentence of Death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four, where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 97.—On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the Sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of Law."

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases, and that I will not divulge the Sentence of the Court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of Law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the Sentence of the Court, until it shall be published by authority"

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 98.—All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions, or on Affirmation—and persons of the Hindoo or Mahomedan persuasion, and other persons making Affirmation, shall make Affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.—In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.—For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander-in-Chief, and their Powers shall be regulated according to the established usages of war and rules

of the service; their duties are to take charge of prisoners confined for offences of a general description; to preserv egood order and discipline; to prevent breaches of both, by soldiers and followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.—At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council, by a General Order, to authorize the Native Troops of any

of the presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.— When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the Office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 103.—If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment or Party or Officer in charge of the Department, after discharging thede bts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, wheather written or verbal, or nominated in the Regimental Register, or in failure of such, to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.—The Effects of Deserters are to be publicly sold, and the proceeds, after paymnet of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

ARTICLE 105.—All powers and provisions contained in these Articles relating to the Commander-in-Chief, shall be construed to extend to the Commander-in-Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldier, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.—When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops or any part thereof of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief, or Commanding Officer of the Forces of the Presidency to which they belong for all purposes of these Articles.

ARTICLE 107.—Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company, in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence Committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three

Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted, and adjudged to suffer punishment, shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 108.—General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 109.—No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall enquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had, previously to his trial, received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

ARTICLE 110.—No Non-Commissioned Officer shall be reduced to the ranks but by the Sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor suspend-

ed from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the ranks.

* ARTICLE 111.—Any Officer or Soldier thinking himself wronged by his superior or other Officer is to complain thereof to the Commanding Officer of his Troop or Company, by whom, if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to Dismissal, nor to suffer Corporal Punishment or Imprisonment with Hard Labour.

ARTICLE 112.—In case of light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.—Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and

allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-Chief. And every Officer or Solbier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army. [Amended by Act XXXVI. 1850]

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.—In all places within the Jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

ARTICLE 115.—In any place within the limits of the Charter of the East India Company, whether in or out of the British territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences, when committed by Officers or Soldiers, shall be cognizable by Courts Martial.

ARTICLE 116.—General Courts Martial shall have cognizance, ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.—District, or Garrison Courts Martial shall have

cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.—Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.—Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder," shall be sentenced to suffer Death, by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person, endangering the life of such person: that is to say,

1st.—Breaking, or attempting to break, by day or night, into

any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal;

2nd.—Robbery or attempt to rob;

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be Sentenced by such General Court Martial to Imprisonment, with or without Hard Labour and Transportation for life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person, not endangering the life of such person;—or

ARTICLE 122.—Of wounding or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another;—or [Repealed by Act X. 1856 and new article substituted.]

ARTICLE 123.—Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang, with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery;—or

ARTICLE 124.—Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal;—or

ARTICLE 125.—Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed One Hundred Company's Rupees;—or

ARTICLE 126.—Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Shall be sentenced by such General Court Martial to Imprisonment, with or without Hard Labour, for a period not exceeding fourteen years.

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.—Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder ;—or

ARTICLE 128.—Of premeditated affray, attended with Homicide or severe wounding, or other aggravating circumstance ;—or

ARTICLE 129.—Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person ;—or

ARTICLE 130.—Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person with the intention of doing such injury to another person ;—or

ARTICLE 131.—Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ;—or

ARTICLE 132.—Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees, in value ;—or

ARTICLE 133.—Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ;—or

ARTICLE 134.—Of Arson ;—or

ARTICLE 135.—Of an unnatural crime ;—or

ARTICLE 136.—Of Rape ;—or

ARTICLE 137.—Of enticing and taking away, or of causing to be enticed or taken away for an unlawful purpose, any unmarried woman under the age of fifteen years ;—or

ARTICLE 138.—Of stealing a child under the age of eight years; —or

ARTICLE 139.—Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description; or any counterfeit seal or signature thereto; or the illicit imitation of any public stamp or stamped paper, established by Government; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be

forgeries; or of using, selling, or disposing of such stamped paper, knowing the same to be counterfeit;—or

ARTICLE 134.—Of forging, or procuring to be forged, any counterfeit Coin, in imitation of any of the Gold, Silver, or Copper Coin of the British Government in India; or of any Coin usually received as money in the British Territories; or of clipping, filing, drilling, or defacing any such Coin; or of paying or tendering in payment counterfeit Coin, Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete;

Shall be Sentenced by such General Court Martial to suffer Imprisonment, with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.—It shall be competent to the Commander-in-Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment, or Transportation for Life, is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment, with or without Hard Labour, for any period not exceeding three years.

ARTICLE 142.—Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees, but exceeding Fifty Company's Rupees;—or

ARTICLE 143.—Of having purchased or received any stolen property, of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances;—or

ARTICLE 144.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment, with or without Hard Labour, for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences Punishable by Imprisonment not exceeding six months.

ARTICLE 145.—It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of war, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment, with or without Hard Labour, for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.—Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value;—or

ARTICLE 147.—Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances:

Shall be sentenced to suffer Imprisonment, with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.—Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer;—or

ARTICLE 149.—Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War:

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial;

not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 150.—Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General, or District, or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.—No sentence of Death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.—The Commander-in-Chief is authorized at his discretion to confirm any sentence of Death, or to remit such sentence, or to commute it into imprisonment with Hard Labour and Transportation for life, or into Imprisonment with Hard Labour for any term of years.

ARTICLE 153.—No sentence of Transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized at his discretion to confirm any such sentence, or to commute it into Imprisonment, with or without Hard Labour, for any period of time.

ARTICLE 154.—It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with Hard Labour, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

ARTICLE 155.—A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted

of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 156.—The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.—All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles, and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.—These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles

in other Sections which are marked with an* (Asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110 and 111, are to be read once every three months at the head of every Regiment, Troop, or Company mustered in the service and to every Recruit at the period of his attestation.

COPYRIGHT ACT.

ACT No. XX. OF 1847.

[*Passed on the 18th December*, 1847.

Recites doubts whether Copyright can be enforced either in territories of the E. I. C. into which the Common Law has been introduced, or in other parts, according to the principles of equity and good conscience; also that, for the encouragement of learning, it is expedient Copyright should be established: and recites doubts whether the Act of Parliament 5 and 6 V. c. 45, has made provision for the enforcement of the right against persons not being British Subjects—Enacts—

1. *That Copyright in every book published in India in the life time of the author, after the 28th August 1833, shall endure for the natural life of the author and seven years after, or for 42 years if the seven years sooner expire; and any book published after said date and death of the author, shall endure for 42 years and shall be the property of the proprietor of the author's M. S.*

2. *Provides against the suppression of books of importance, by authorizing the G. G. in C. to grant a licence for the publication of any book after the death of the author, if the proprietor has refused to publish it.*

3. *Book of Registry and copyright to be kept in the office of the Sec. to the Government of India, and to be open to inspection and search on payment of eight annas, and copy of any entry to be given on payment of two rupees; and such copy to be evidence.*

4. *Wilfully making, &c. false entry in Registry, &c. or producing, &c any paper in evidence falsely purporting to be copy of entry, to be a misdemeanour, and punishable with imprisonment, &c not exceeding three years.*

5. *Proprietor of Copyright may have entry made in the Registry book of specified particulars on payment of two rupees; and registered proprietor may assign his interest, by making entry of such assignment, &c. in the name of assignee, &c. and such assignment shall be of same force as if made by deed.*

9. *Person deeming himself aggrieved by entry in Registry may apply to Supreme Court or to Judge to order entry to be expunged; and Judge may make such order for expunging, varying, &c. as he may deem just, with or without costs, and Secretary of Government shall carry out such orders.*

7. *Any person who shall print, &c. for sale, &c. any book in which Copyright subsists, without consent in writing of proprietor, or who shall have in his possession for sale, &c any such, shall be liable to special action on the case, or to suit in Zillah Court or other highest local Court.*

8. *In action in Supreme Court, brought under this Act, defendant to give notice in writing of the objections constituting his defence, and if the nature of his defence is a denial of the plaintiff's Copyright, defendant shall specify in notice the name of person whom he alleges to be proprietor, name of book, &c. otherwise he shall not at the trial, &c. be allowed to prove plaintiff not the first proprietor &c. and no other objection than is stated in the notice, &c shall be given in evidence.*

9. *In actions in Zillah or other local Court, such matters as above are required to be stated in notice, shall be stated in answer.*

10. *Any publisher, &c. of Encyclopædia, Magazine, Periodical, or work published in parts, or series of books, who shall have projected, &c. but have employed others to compose the same, on the terms that the Copyright shall belong to such publisher, &c. shall enjoy the same right and term of Copyright as if he were the actual author, except that in case of Essays, &c. first published in Reviews, &c. the right of publishing same in separate form shall revert to author, after twenty-eight years, for the remainder of the term of Copyright: and during the term of twenty-eight years projector, &c. not to publish such essays, &c. in separate form. Proviso in favor of rights expressly reserved by contract.*

11. *Proprietor of Encyclopædia, Review, &c. entitled to all the benefits of registration, &c. by making specified entry in Registry book.*

12. 13. *All copies of registered books which have been unlawfully printed shall belong to registered proprietor of Copyright, who, after demand in writing, may sue for damages for detention thereof, or (13) within the limits of Supreme Court in action of detinue or trover, or in Zillah or other local Court: in the usual form.*

14. *No proprietor of Copyright to maintain any legal proceedings under this Act for infringement of any but registered Copyright.*

15. *In actions in Supreme Court for any thing done in pursuance of this Act, defendant may plead general issue, and give special matter in evidence: and defendant succeeding to have his full costs.*

16. *All actions, &c. informations, &c. for any offence committed against this Act, to be brought within 12 calendar months after offence committed.*

17. *Saves all rights subsisting at time of passing the Act, and all contracts, &c. and remedies relating thereto. Schedules.—No. 1, Original entry of proprietorship of Copyright. No. 2, Form of entry of assignment of registered Copyright.*

An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

Whereas doubts may exist whether the right called Copyright can be enforced by the Common Law of England in those parts of the Territories subject to the Government of the Eat India Company into which the Common Law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the Territories subject to the Government of the East india Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said Territories:

And whereas it is doubted whether the Act of Parliament 5 and 6, Victoria, c. 45, entitled "*An Act to amend the Law of Copyright,*" although such Act extends to every part of the British Dominions, has made appropriate and sufficient provisions for the enforcement in every part of the said Territories subject to the Government of the East India Company, of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any person not being subject to the jurisdiction of the Court established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the Copyright in every book published in the life-time of its author within the said Territories, after the passing of the Act of Parliament 3 and 4, Wm. 4, c. 85, entitled "*An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories till the 30th day of April,* 1854," shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the Copyright shall in that case endure for such period of forty-two years; and that the Copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor General in Council, on com-

plaint made to them that the proprietor of the Copyright in any book published after the passing of this Act within the said Territories, has, after the death of its author, refused to republish, or to allow the republication of the same, and that by reason of such refusal, such book may be withheld from the public, to grant a licence to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such licence.

III. And it is hereby enacted, that a Book of Registry wherein may be registered, as hereinafter enacted, the proprietorship in the Copyright of books and assignments thereof, and licences affecting such Copyright, shall be kept in the Office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of Eight Annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of Two Rupees, and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of Copyright or licence as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make, or cause to be made, any false entry in the Registry Book aforesaid, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said Book, he shall be guilty of a misdemeanour, and shall be punished with imprisonment, with or without hard labour, for a term not exceeding three years.

Repealed by XVII of 1862

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of Copyright in any book published, after the passing of the said Act of Parliament 3 and 4, Wm. 4, c. 85, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the Copyright in the said book, or of any portion of such Copyright in the form in that behalf given

in the Schedule to this Act annexed, upon payment of the sum of Two Rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the Assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in Law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by Deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said Book of Registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or, if the Court shall not be then sitting, to any Judge of such Court sitting in chambers, for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a judge as aforesaid, such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same, according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print, or cause to be printed, either for sale or exportation, any book in which there shall be subsisting Copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court, and if he shall have so offended in any other part of the Territories subject to the Government of the East Indian Company, to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there, and if he shall have so offended in any such

last-mentioned part of the Territories subject to the Government of the East India Company in which there is no Zillah Court, to a suit in the highest local Court exercising original Civil jurisdiction in such part of the said Territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the Courts of Judicature established by Her majesty's Charter under the provisions of this Act against any person, for printing any such book for sale, hire, or exportation, or for selling, publishing, or exposing to sale or hire, or causing to be sold, published, or exposed to sale or hire, or for having in his possession for sale or hire, any such book so unlawfully printed, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim Copyright or is not the proprietor of the Copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the Copyright therein, then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book, or the proprietor of the Copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not, at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the Copyright therein than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication, with the title, time, and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act in any such suit or action as last aforesaid brought in any Zillah Court or other local Court as aforesaid the defendant shall

state in his answer all such matters as he means to rely on, and which by the last preceding Section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall, within the said Territories, before or at the time of the passing of the Act, but after the passing of the said Act of Parliament 3 and 4, Wm. 4, c. 85, have projected, conducted, and carried on, or shall hereafter project, conduct, or carry on, or be the proprietor of any Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles, or Portions thereof, for publication in, or as part of the same, and such Work, Volumes, Parts, Essays, Articles, or Portions shall have been, or shall hereafter be, composed under such employment, on the terms that the Copyright therein shall belong to such Proprietor, Projector, Publisher, or Conductor, and paid for by such Proprietor, Projector, Publisher, or Conductor, the Copyright in every such Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and portion so composed and paid for. shall be the property of such Proprietor, Projector, Publisher, or Conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of Copyright therein as is given to the authors of Books by this Act. Except only that in the case of Essays, Articles, or Portions forming part of and first published in Reviews, Magazines or other Periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher, or Conductor shall not publish any such Essay, Article or Portion separately or singly without the consent

previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who, by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right, shall be entitled to the Copyright in such composition when published in a separate form according to this Act, without prejudice to the right of such Proprietor, Projector, Publisher, or Conductor as aforesaid.

XI. And it is hereby enacted, that the Proprietor of the Copyright in any Encyclopædia, Review, Magazine, Periodical work, or other work published in a series of Books or Parts shall be entitled to all the benefits of the Registration in the Office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said Book of Registry the title of such Encyclopædia, Review, Periodical work, or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number, or Part thereof, or of the first Volume, Number, or Part first published after the passing of this Act, in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 and 4, William 4, c. 85, and the name and place of abode of the Proprietor thereof and of the Publisher thereof, when such Publisher shall not also be the Proprietor thereof.

XII. And it is enacted, that all copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book, and which shall have been unlawfully printed without the consent of the Registered Proprietor of such Copyright in writing under his hand first obtained, shall be deemed to be the property of the Proprietor of such Copyright, and who shall be registered as such, and such Registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the Jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such Registered Proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of Detinue, from any party who shall detain

the same, or to sue for and recover damages for the conversion thereof in an action of Trover; and that if the case be within the Jurisdiction of any Zillah Court or other local Court as aforesaid, the Registered Proprietor shall be entitled to sue for and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said Zillah or other local Courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

XIV. And it is enacted, that no Proprietor of Copyright in any book first published after the passing of the said Act of Parliament 3 and 4, Wm. 4, c. 85, shall maintain, under the provisions of this Act, any action or suit at law or in equity, or any summary proceedings in respect of any infringement of such Copyright unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the Book of Registry at the Office of the said Secretary of such book, pursuant to this Act. Provided always, that the omission to make such entry shall not affect the Copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof, under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, or which he shall have the same remedy as a defendant in any case by Law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations, and other criminal proceedings for any offence which shall be committed against the Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

XVII. Provided always and it is enacted, that nothing in this

Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

NO. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name & Place of abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

BOMBAY.—SUPREME COURT.

ACT No. XXI. OF 1847.

[*Passed on the* 18*th December*, 1847.

1. *One Judge of Supreme Court may sit apart for despatch of Criminal business, at same time as other Judges are sitting, and proceedings of such single Judge to be valid.*

2. *Business which Court has power to transact in term, Court may transact*

out of term, and proceedings out of term to be valid, and all Rules and Orders as to judgment, &c. in term, shall be applicable to proceedings out of term, so as to give full effect to this Act.

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Bombay.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all Proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid, and effectual in the Law, to all intents and purposes, as fully as if the said Proceedings were had before all the Judges of the said Court, sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business, of what nature or kind soever which the said Supreme Court of Judicature at Bombay may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all Proceedings whatever before the said Court out of Term, shall be as good, valid, and effectual in the Law, to all intents and purposes, as fully as if the said Proceedings were had in Term; and that all Rules and Orders of the said Court as to all Judgments, Executions, or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

CALCUTTA.—MUNICIPAL IMPROVEMENTS.

ACT NO. XXII. OF 1847.

[*Passed on the* 18*th Dec.* 1847.

Recites Act XV. of 1847, *and expediency empowering the Municipal Commissioners to hold real and personal property. Enacts—*

1. *That the Commissioners shall be trustees for Government and the inhabitants, and sue and be sued by the name of the Commissioners for the Improvement of the Town of Calcutta, have a common seal, &c. and have power to hold lands as such trustees.*

2. *May purchase lands with the consent of the Government of Bengal, and, if owner will not agree to sell, compensation shall be settled by the Sheriff's jury.*

3. *Commissioners may agree with owner of houses, &c. authorized to be taken, for the absolute purchase thereof, &c.*

4. *All parties entitled to such lands, &c. may sell, &c. same to Commissioners particularly the following parties: corporations, tenants in tail or for life, married women, &c. and such power may be exercised by such parties, not only on behalf of themselves, &c. but also of person entitled in reversion, remainder, &c.*

5. *Purchase money to be paid for lands, &c. purchased from party under any disability, and compensation for damage to such lands, &c. shall in all cases be determined by a jury.*

6. *Person seized in fee, &c. for his own benefit may sell and convey, in consideration of an annual rent charge, but in other cases the consideration shall be in a gross sum.*

7. *Yearly rent reserved on lands purchased by Commissioners shall be charged on rates, and if in arrear* 30 *days, after demand in writing, may be recovered by action of debt in Supreme Court.*

8. *When Commissioners shall require to take any land, they shall give notice to the parties interested, &c. and by such notice demand the particulars of their estate, &c. and the notice shall state particulars of the lands required, &c.*

9. *Notices by Commissioners may be served personally on parties, or left at last place of abode, or with occupiers, or affixed on the lands.*

10. *Parties claiming compensation may have same settled by Arbitration under certain specified circumstances; but if award not made in three months the compensation shall be settled by a jury.*

11. *If Commissioners and party cannot agree on a single Arbitrator, each may appoint one. Appointment by Commissioners to be made in what manner, and by opposite party to be made in what manner. Appointment to be delivered to Arbitrators and deemed a submission, and may not be revoked by one party, nor by death: and if one party on requisition fail to appoint Arbitrator, after fourteen days, other party may appoint one to act for both, and award of such single Arbitrator to be final.*

12. *In case of death of Arbitrator before reference, party appointing him*

may appoint another, or in default of his doing so, after seven days, opposite party may appoint one.

13. *Arbitrators, when more than one, to appoint umpire, and in case of his death, &c. another in his place.*

14. *If Arbitrators refuse to appoint umpire, or after request neglect to do so any two of the Magistrates of Calcutta may appoint one.*

15. *In case of death of Arbitrator before award, the provisions relating to references to arbitration shall apply as if such Arbitrator had not been appointed.*

16. *Where more than one Arbitrator, if one refuses or neglects to act, the other may proceed without him.*

17. *If Arbitrators fail to make their award within twenty-one days after final date from same, the matters referred shall be determined by umpire.*

18. *Arbitrators or umpire may call for production of documents from either party; may examine parties and witnesses, and administer oath and affirmation.*

19. *Arbitrators before entering on reference to make a declaration before a Magistrate of Calcutta. Form of the declaration. Declaration to be annexed to award, and Arbitrator, &c. acting contrary thereto, guilty of misdemeanour.*

20. *Costs of arbitration to be settled by Arbitrator and borne by Commissioners, unless the award be, of a less sum than they offered, in which case each party to bear his own costs, and costs of Arbitrators to be borne in equal proportions.*

21. *Arbitrators to deliver award in writing to Commissioners. Commissioners to furnish copy to opposite party, and allow inspection by him, &c.*

22 *Submission may be made a rule of Court, and enforced by rule of Court, notwithstanding any of the parties may not be subject to the jurisdiction.*

23. *No award to be set aside for irregularity or formal error.*

24. *If either party refuse to settle their differences by Arbitration, the Commissioners may issue warrant signed by one of them sealed with common seal, to Sheriff, requiring him to summon a jury, or to Coroner, if Sheriff, or to former Sheriff, if both be interested. Sheriff may appoint a Deputy or an Assessor.*

25. *Provisions relating to Sheriff to apply equally to Coroner. Sheriff to deliver the Juror's Book and Special-Juror's List to person to whom the Commissioners' warrant is directed.*

26. *On receipt of warrant, Sheriff to summon a jury of ten to meet at convenient or agreed place, in not less than fourteen, nor more than twenty-one days or other agreed time.*

27. *Jury of five to be drawn by Sheriff, and if an insufficient number appear number to be made up from the bye-standers, &c. Jurors may be challenged according to practice of Supreme Court.*

28. *Sheriff to preside. Parties claiming compensation to be deemed plaintiffs and have rights of plaintiffs. Sheriff may summon witnesses and order a view.*

29. *Sheriff making any default in his duty, to forfeit 500 rupees, &c recoverable by the Commissioners in Supreme Court; and persons summoned for Jury not appearing, or making other specified default without reasonable excuse,*

to forfeit not exceeding 100 *rupees. Penalties to be applied towards costs of proceedings in which they are exercised, &c.*

30. *Person summoned as witness not appearing, after tender of expenses, or refusing to be examined, to forfeit not exceeding* 100 *rupees, and false evidence to be subject to same rules respecting perjury as in Courts of Justice.*

31. *Commissioners to give to parties interested ten days' notice of the time and place of inquiry. Notice to be served personally; or left at last place of abode; or published in two newspapers.*

32. *If party claiming compensation fail to appear, inquiry not to be proceeded with as respects him, but only as respects other parties, but Surveyor to be appointed by two magistrates to settle compensation of absent party.*

33. *Jury to be sworn or to make solemn affirmation, before entering on inquiry.*

34. *If the compensation under inquiry is as to value of some lands, &c. and damage to others, separate sums shall be assessed for the value and damage.*

35. *Sheriff to give judgment for the amount assessed by jury, and sign the verdict and judgment, and same shall be kept in records of Supreme Court, and deemed records, and be proved in same manner as records, and may be inspected and copies had on payment of specified fee, and keeper of records to sign and certify copies.*

36. *Costs of inquiry to be borne by Commissioners if jury assess a larger sum than they offered; but to be divided in specified manner when jury assess a less sum than was offered: and each party to bear his own costs.*

37. *Costs of inquiry, in case of differences, to be settled by taxing officer of Supreme Court. Such costs to include costs incurred in summoning, &c. jury, taking the inquiry, attendence of witnesses, employment of Counsel, and attornies, &c.*

38. *If costs payable by Commissioners, are not paid in seven days after demand, the same may be recovered by distress: and Magistrate to issue warrant. Costs payable to Commissioners may be deducted out of compensation money, or if in excess of that may be recovered by distress.*

39. *Either party may have a special jury of five; Sheriff to summon parties before him to strike special jury: jury to be nominated and struck, according to the rules of the Supreme Court; and in eight days after, parties to appear before Sheriff to reduce the jury.*

40. *Special jury to consist of five out of eight; each party to have lawful challenges; if five do not appear, number be made up out of bye-standers, and trial to be attended with like incidents, &c. as above detailed in case of common juries.*

41. *Any other inquiry than that for which special jury has been struck may be tried by such jury, by consent of parties.*

42, 43, 44, 45. *Where purchase money, &c. is payable to any person absent from Bengal, and by reason thereof incapable of treating, or to any person who cannot be found, the amount shall be settled by Surveyor appointed by two magistrates. (43) Two magistrates, upon proof of circumstances, to appoint Surveyor for that purpose. (44) Surveyor so appointed to make specified declaration, and if he acts contrary thereto guilty of a misdemeanour: (45) and nomi-*

nation and declaration to be annexed to valuation and preserved in Office of Commissioner, and produced on demand, &c.

46. *In estimating price or compensation, regard shall be had not only to the value of the property taken, but to any diminution of value in contiguous property of same person.*

47, 48, 49, 50. *Where valuation has been made by Surveyor, party interested having been absent or not found, such party may require the compensation to be submitted to arbitration: and (48) the question to be submitted in the case shall be, whether the sum awarded by Surveyor was sufficient: and (49) if Arbitrators award a further sum, the Commissioners shall pay same within specified time; (50) and in that case the costs of arbitration shall be borne by the Commissioners; but if Arbitrators determine that sum personally awarded was sufficient, the costs of the arbitration shall be in discretion of the Arbitrators.*

51. *If party is entitled to compensation in respect of lands, &c. taken for or injured by works of Commissioners, and for which satisfaction shall not have been made under this Act, party may have same settled, either by arbitration or jury, giving notice, with specified particulars, to Commissioners of his desire, unless Commissioners enter into agreement to pay amount demanded.*

52. *Purchase money or compensation when ascertained, if belonging to persons under disability, or who refuse to accept same, or fail to make out their title, or to convey, or who are absent, shall be invested in Company's Paper, &c. and deposited with Government Agent, &c. to credit of parties interested, and remain until the same be applied by Supreme Court, on petition of party interested, to specified purposes, &c.*

53. *Purchase money or compensation for estates less than in fee simple, to be laid out, &c. under order of Supreme Court, on petition of party interested, in such manner as to give such party, the same benefit as he might have had from his estate.*

54. *Upon payment or deposit of purchase money, estate to be conveyed to Commissioners, or, in default thereof, Commissioners may execute a deed of sale, reciting facts, and estate shall thereupon vest in Commissioners, &c.*

55, 56, 57. *If owner of lands refuse to accept purchase money, or fail to make out a title, or refuse to convey, or be absent, Commissioners may place purchase money, &c. to credit of parties, subject to control of Supreme Court, and execute a deed of sale, &c and thereupon all the estate shall vest in said Commissioners, (56) and Supreme Court may in a summary way order money to be invested, &c. and distributed to parties according to their several interests: (57) and the Commissioners shall not be necessary parties to such proceeding.*

58. *Commissioners may, with consent of Governor, sell, &c. any lands, &c. vested in them by virtue of this Act for purposes thereof, or of Act XVI.* 1847, *but purchaser not to be accountable for application of purchase money.*

59. *In every conveyance by the Commissioners, the word "grant" shall operate as an express covenant, &c. against their own acts or defaults, &c.*

60. *Commissioners defraying for expenses of carrying powers into execution, may submit to approval of Governor, borrow, &c. on credit of rates, taxes, and duties, and may mortgage and assign to lender the said rates, &c. as security, &c. and no taxes shall be repealed until the mortgage is paid off.*

61. *In order to discharge the principal the Commissioners may yearly deduct*

out of the rates one 30th part of the amount borrowed and set apart same as a Sinking Fund, and invest it in company's paper, to be deposited in hands of Government Agent and to accumulate.

62. 63, *Mortgage under this Act to be by deed, &c. under common seal, &c. signed by 3, &c and may be according to Schedule; and where several mortgagees all to be paid in equal proportions, and no one to have preference or priority of payment; and (63) the expenses of mortgage to be defrayed by Commissioners.*

64. *A register to be kept of all mortgages by Clerk to Commissioners in specified manner.*

65, 66. *Mortgagee may transfer his interest by deed, &c. and transfer may be according to Schedule B. and (66) transfer deed to be produced within certain time to Clerk, and by him registered as in case of original mortgage. Clerk to be entitled to a fee, and, after registration, the transferree, &c. to be entitled to full benefit of mortgage, &c: and transferree may assign his interest, &c. and last transferree alone to be entitled to release or discharge the mortgage.*

67. *On payment of debt received, the mortgagee to cease and determine and the estate to vest in the mortgagee without transfer or release, &c.*

68. *To prevent undue preference in paying off mortgages, when Commissioners are entitled to pay off more than one, the order in which they shall be paid, to be decided by ballot. Notice of intention to pay off to be given by Commissioners.*

69, 70, 71. *Commissioners may fix a period for repayment of money borrowed and cause period to be inserted in deed, &c. and (70) if no time be fixed in deed for repayment, mortgagee may at any time, after expiration of twelve months, on giving six months' notice, demand payment. Commissioners may in like manner give notice to pay off mortgage. Notices for above purposes how to be given, and (71) if notice to pay is given by Commissioners, interest shall cease at expiration of notice, unless on demand the Commissioners fail to pay.*

72, 73. *Any mortgagee, &c. when entitled to payment, may enforce it by applying for appointment of Receiver if his claim amount to 10,000 Rupees, or if less (73) in conjunction with other mortgagees, provided sum is six months overdue, and payment has been demanded in writing.*

74. *Application for Receiver to be made to Supreme Court, or one or more of the Judges thereof, who may make order &c.*

SCHEDULE A. *Form of Mortgage Deed.*

SCHEDULE B. *Form of Transfer of Mortgage.*

Repealed by Act XIV. 1856, but those sections retained here which may be wanted for reference as affecting titles and the validity of acts of the Commissioners and relating to mortgages, conveyances and loans. The clauses whose operation is different are omitted.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold real or personal property for the Improvement of the Town of Calcutta.

Whereas by Act XVI. of 1847, entitled "*an Act for constituting Commissioners for the Improvement of the Town of Calcutta*

partly by appointment of the Government and partly by election of the Ratepayers," provision was made for the appointment and election of such Commissioners, or, in default of election, for the appointment of the whole of such Commissioners:

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid, in manner hereinafter mentioned:

And whereas it is probable that benevolent and public spirited individuals, with the view of contributing to the Improvement and adornment of the said Town, may be desirous of settling real or personal property, by Deed or Will, upon such Commissioners:

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William, by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase, and hold lands, tenements, hereditaments, goods, chattels and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that, whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings, or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings, or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners, or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned. to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings, and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings, or tenements by agreement: it is enacted, that it

shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings, or tenements by this Act authorized to be taken and which shall be required for the purposes of this Act and with all parties having any estate or interest in such lands, buildings, or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of, or entitled to any such lands, buildings, or tenements, or any estate or interest therein to sell and convey or release the same to the said Commissioners, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled as aforesaid, so to sell, convey, or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feofees in trust for charitable or other purposes, executors, and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots, respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Administrators on behalf of their cestui-quetrusts whether infants, issue unborn, lunatics, femes covert, or other persons, and that to the same extent as such cestui-quetrusts respec-

tively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability or incapacity, and not having any power to sell or convey such lands, except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury, to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings, or tenements authorized to be purchased for the purposes of this Act, to sell and convey such lands, buildings, or tenements, or any part thereof, unto the said Commissioners, in consideration of an annual rent-charge, payable by the said Commissioners, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings, or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings, or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may recover the same from the said Commissioners, with costs of suit, by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings, or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and every such notice shall state the particulars

of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings, or tenements, shall either be served personally on such parties, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such parties shall be absent from the said Town, or cannot be found, after diligent inquiry, such notices shall be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

LVIII. And it is enacted, that the said Commissioners may, with the consent of the said Governor, sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof, either together or in parcels, as they may find most convenient and advantageous, and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase money; and for the completing and carrying any such sale into effect, the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof, and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act, the word "grant" shall operate as express covenants by the said Commissioners, for themselves and their successors, with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows, except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say) A covenant that, notwithstanding any act or default done by the said Commis-

sioners, they were, at the time of the execution of such conveyance, under and by virtue of the provisions of this Act, possessed of the lands or premises granted thereby, for an indefeasible estate of inheritance in fee simple, free from all encumbrances, done or occasioned by them or otherwise for such estate or interest as therein expressed, to be thereby granted free from encumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act, or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized, subject in each case to the approval of the Governor aforesaid, to be signified in writing, to borrow and take up at interest, on the credit of the rates, taxes, and duties authorized to be made, levied, and received by the said Commissioners, from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges, and expenses incurred or to be incurred by the said Commissioners in carrying into effect, with the least possible delay, the provisions of this Act, or of Act No. XVI. 1847, and for securing the repayment of such sum or sums of money, with such interest thereon as shall be agreed upon between the said Commissioners, and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls, and duties, or any part thereof, to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf, as security for the money so to be borrowed, togetheir with interest upon the same, and no assessment, tax, toll, or duty over which any such mortgage shall have been granted, shall be repealed, in whole or in part, until such mortgage shall be paid off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes, and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required, yearly and every year to deduct, appropriate, and set apart, and apply out of the rates aforesaid, such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and

secured as aforesaid, upon the said assessments, taxes, and duties, as and for a Sinking Fund, to be applied in paying off and discharging the principal monies so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper, and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is hereby empowered and required to increase the same, by investing the interest payable thereon, as the same shall become due and payable, in the purchase of other Company's Paper, and so on, from time to time, so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them, or some part of some one of them, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes, and duties authorized to be made under the provisions of this Act, shall be by deed, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly, or special meetings, and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled, one with another, to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages, according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another, by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall, from time to time, be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the said Register, and the

said Register may be perused at all reasonable times by any mortgagee, or by any Person interested in any such mortgage, without fee or reward.

LXV. And it is enacted, that, from time to time, any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule B. to this Act annexed, or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer, if executed within the territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid, in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the transferee, Executors, Administrators and Assigns, to the full benefit of the original mortgage and the principal and interest secured thereby; and such transferee may, in like manner, assign or transfer the same again, and toties quoties; and it shall not be in the power of any person, except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators, or Assigns, to make void, release, or discharge the original mortgage, or the monies due thereon, or secured thereby.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the power of this Act, all the estate, property, right, and interest by such mortgage vested in the mortgagee, his Heirs, Executors, Administrators, or Assigns, shall, without any transfer, or release, or any other act or deed whatsoever, immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages, it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such

mortgages shall be paid off, by lot or ballot, and shall cause a notice, signed by their Clerk, to be given to the person entitled to the money to be paid off, pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon at the office of the Clerk of the said Commissioners on a day and at an hour to be specified, at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted that the said Commissioners may, if they think proper, fix a period for the repayment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act, with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to receive such money, may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print; or partly in writing and partly in print, and if given by a mortgage or creditor shall be delivered to the Clerk aforesaid, or left at his office, and if given by the said Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or, if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry, and his last place of abode be unknown, such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta Newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage, then, at the expiration of such notice, all further interest shall cease to be payable on such mortgage, unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee, or other person entitled to receive payment of the money secured by any such mortgage, to enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment of such Receiver the amount of money owing to the mortgagee, or mortgagees, or creditor or creditors by whom the application is made, shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent Court or Courts of Law or Equity.) may, if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid shall, together with his, amount to the said sum, require the appointment of a Receiver, by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices, by order in writing, after hearing the parties, to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest, or principal and interest, as the case may be, together with all costs, including the charges of receiving the rates and assessments, until the said principal and interest, together with all such costs and charges, be fully paid, and upon such appointment being

made, all such rates and assessments as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such Receiver shall have been appointed, and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

SCHEDULE A.

Form of Mortgage Deed.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council, No. XVI. and No. XXII. of 1847, We, the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his Executors, Administrators and Assigns, all the rates and sums of money arising in the Town of Calcutta by virtue of the said Acts, and all the estate, right, title, and interest of the said Commissioners in the same. To hold unto the said A. B., his Executors, Administrators, and Assigns until the sum of together with interest for the same at the rate of for every hundred Rupees by the year, be satisfied (the principal sum to be repaid at the of years from the date hereof)—(*in case any certain period be agreed upon for that purpose.*)

Given under our common seal this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B. *Commissioner.*

C. D. „

E. F. „

SCHEDULE B.

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the

said G. H., his Executors, Administrators, and Assigns, a certain Mortgage Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (*or if such transfer be by indorsement* the within security) and all my right, estate, and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord,

A. B. (L. S.)

TRANSPORTATION.

ACT No. XXIII. OF 1847.

[*Passed on the* 31*st December*, 1847.

Repeals so much of Act XXXI. of 1838 *as directs term of Transportation to be for not less than ten years.*

An Act for the amendment of Act No. XXXI. of 1838.

Whereas by Act No. XXXI. of 1838. Section XVII. it is enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, *nor less than ten years*, or to be imprisoned for any term not exceeding three years:

It is hereby enacted, that so much of the above cited Section of the said Act as enacts that the term of transportation thereby limited *shall not be for less than ten years*, be repealed.

Repealed by XVII of 1862

BENGAL.—FORGERY.

ACT No. I. OF 1848.

[*Passed on the 22nd January*, 1848.

1. *Out of the local limits of Supreme Courts, Magistrates not to receive charges of Forgery, or of procuring Forgery, or giving effect to fabricated deeds, &c. offered in evidence in Civil and Criminal cases, except as provided in next section.*

2. *In cases pending before any Court (except of a Magistrate, &c.) in which there may appear to the Court sufficient grounds for investigating a charge of such offences, the Court shall send the accused to a Magistrate, with documents, and take recognizances for attendance of witnesses to appear before Magistrate. Proviso; Powers of Sessions Judges under Bengal R.* 2, *s.* 6 *of* 1807 *not to be affected.*

3. *Powers vested by B. R.* 17, *s.* 14 *cl.* 2, *in Zillah and City Judges of Committing for Forgery, vested also in Principal Sudder Ameens.*

4. *Sessions Judges may try persons committed by themselves as Civil Judges, for above offences.*

5. *All Revenue Officers acting judicially to be deemed Civil Courts.*

An Act to regulate the proceedings in certain Cases of Forgery. It is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to, false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section I. of this Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses who have given such evidence to appear before the Magistrate, who shall

thereupon receive such charge, and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII. of 1817, of the said code, in Zillah and City Judges, of committing persons chargeable with perjury or subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or subornation of Perjury, any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

CALCUTTA—MUNICIPAL COMMISSIONERS.

ACT No. II. OF 1848.

[*Passed on the 26th Feb.* 1848.

Recites Provisions of Act XVI of 1847. *Enacts—*

1. *Commissioners may, subject to confirmation, &c. of G. of B. appoint Surveyor, Clerk, and other necessary officers, at salaries to be sanctioned by G. of B.*

2. *In and for the construction of aqueducts to bring pure water to Calcutta, plan being approved by G. of B., Commissioners, Surveyor, &c may exercise same powers out of, as within Calcutta: and Magistrates out of Calcutta are to aid the Commissioners.*

3. *Empowers the Commissioners to construct works by contract: and gives contractors the same powers as the Commissioners for the execution of works.*

4 *Commissioners to make compensation for drainage in execution of their powers, and amount, if not settled by agreement, to be settled by arbitration, or Jury, as directed in Act XXII. of* 1847.

5. *Any person obstructing or molesting the Commissioner's Clerk, &c. or contractor in the performance of official duty, may be fined Rupees 50 by Magistrate.*

6. *Empowers every Commissioner and the Surveyor, &c. to enter upon lands &c first requiring consent of and giving notice to the owner or occupier.*

7. *Vests the management and control, and the property of the streets, &c. in the Commissioners as Trustees.*

8, 9. *Empowers the Commissioners, with the consent of the G. of B. to pave and water the streets, &c. and (9) directs them to keep the streets, &c. in repair, and makes them liable to be indicted for non-repair.*

10. *Displacing, taking up, &c. the pavements, flags, &c. of any of the ways, without order of Commissioners, &c. or causing any obstruction on streets, &c. offender liable to fine of Rupees 50.*

11. *Recites that the opening of streets is essential to the health, &c. of the inhabitants. and that the lanes and gullies should be made straight. Enacts—that the Commissioners shall make plans for carrying recited objects into effect, together with estimates of expense of works, &c. and transmit the same to the G. of B. for approval, &c.*

12 *The plan being approved by G., Commissioners shall proceed to the execution thereof without further reference to the G.*

13. *Recites the want of sewerage and drainage: Enacts,—that the Surveyor of the Commissioners shall make a survey of the Town and report the defects of the sewerage, &c and what alterations and new main drains, &c are necessary, and what reservoirs, &c.*

14. *Recites the importance of supplying the inhabitants with good drinking water, and water for cleansing and watering the streets, drains, &c. Enacts that the Surveyor to the Commissioners shall report upon the existing supplies, and as to sufficiency and quality thereof, with recommendations, &c and report from what point. &c. wholesome water can be conveyed into the town, &c. and what reservoirs, &c. will be required, &c.*

15. *Vests the sewers, drains, canals, aqueducts, &c. and all works, &c. connected therewith, provided for public use and not belonging to private persons, now and hereafter to be constructed, in the Commissioners, as Trustees, &c. and gives them the management and control thereof.*

16. *Directs the Commissioners to construct as many sewers, &c. and reservoirs, &c. as may be necessary for the effectual draining of the town.*

17. *Empowers the Commissioners to widen, deepen, embank, &c. clean &c. the Sewers, &c. whether the same be private property or otherwise, and to stop and discontinue Sewers, &c.*

18. *Before beginning to dig, &c. the foundation of any house, or to rebuild, &c. or to make any drain, &c. 14 days' notice must be given to Clerk, &c. or same, be liable to be pulled down, &c.*

19. *Private persons at their own expense, and in manner to be sanctioned by Surveyor &c. may make branch drains at the public Sewer, &c. Penalty on offenders Rs. 50.*

20. *Empowers the Commissioners to contract with owners of houses for the construction of drains by their Surveyor, &c.*

21. *Empowers Commissioners to use necessary means to prevent the effluvia of the drains from exhaling, and to give notice to private persons to prevent effluvia of private drains from exhaling, &c.*

22 *Empowers the Commissioners to close streets, &c when under repair.*

23. *Requires the Commissioners to cause the streets, &c. to be swept and cleansed, the soil &c. to be carried away: the privies &c to be cleansed; and empowers them to purchase, hire, &c. the necessary carts, &c.*

24. *Vests the dust, dirt, &c. collected from the streets, &c. in the Commissioners as their property, and empowers them to sell the same, &c.*

25. *Empowers the Commissioners for the purpose of watering the streets &c. to sink wells &c. lay pipes &c. and to excavate tanks, &c.*

26. *Requires the Commissioners to make Bye-laws, for preventing nuisances, for regulating slaughter houses, for punishing sale of unwholesome meat, &c. for regulating the duties of Scavengers and management of privies, &c. for regulating filthy dwellings, for supplying private houses with water, for preventing persons bathing, &c. in tanks, &c. provided for domestic use, &c. for promoting cleanliness and decency, &c. and for fixing penalties on offenders: Limit of penalty Rs. 50.*

27. *No Bye-law to be of force until approved by G. of B. and G. G. in C. or until forty days after publication in two Calcutta newspapers. Bye-law proved by office copy.*

28. *Bye-laws to be printed and posted in Office of Clerk to Commissioners and copies to be given on payment of four annas.*

29. *Provisions of this Act relating to offences, to apply to Bye-laws.*

30, 31, 32 *Commissioners may prosecute for nuisances, and proceed for penalties at expense of Municipal funds, and* (31) *may indict, &c. for injuries to property of Commissioners. Property to be described as of the Commissioners: and* (32) *Act not to render lawful any Act which would be a nuisance at Common Law: but proceedings under this Act to be a bar to other criminal proceedings for same offence.*

33. *Empowers the Commissioners, with consent of Government, to contract for supplying the town with water, and for water-works, &c. and also with like consent to lease out any water works, &c.*

34. *When the Commissioners intend to take lands for the purpose of establishing water-works, &c. they shall prepare a map, on specified scale, describing the source of supply, site, and line or course of the aqueducts, &c. with book of reference, containing names of owners, &c. of lands, &c and map and book to be open for inspection at office, and notice, &c. to be given to all parties interested of the intention of the Commissioners to take their lands.*

35. *After last mentioned notice by Commissioners, the Surveyor to give notice that he will attend upon the lands intended to be taken, and point out the line of the intended aqueducts, &c. and parties interested may be heard by their counsel, &c. and may adduce evidence, and Commissioners shall report thereon, and G. of B. may authorize or disallow the taking of the lands, &c.*

36, 37, 38. *Empowers the Commissioners to construct water-works, &c. in the lands taken, and alter, &c. the same; but (37) they may not deviate beyond the limits marked in plan, nor into lands not mentioned in the book of reference; and (38) the Commissioners are not to acquire in lands taken for this purpose any greater interest than the right of laying pipes, &c.*

39, 40, 41. *Empowers the Commissioners to enter upon adjoining land to a distance of* 100 *yards of their works, not being "a garden," &c. for purpose of depositing gravel, &c. doing no unnecessary damage, and making compensation to owners or occupiers, or both, for temporary and permanent injury; such compensation to be ascertained in manner provided in Act No* 22, 1847, *and (40) Commissioners to give* 14 *days' notice of their intention to use such adjoining lands &c., and (41) the Commissioners, if required, shall agree to pay a rent, amount whereof, in case of difference, to be settled under said Act XXII.*

42. *Requires Commissioners, in forming reservoir, &c to provide roads, &c., watering places, &c. channels, &c. for irrigation, where existing ones are taken away injured, &c. and differences between Commissioners and owners &c. to be settled under said Act XXII.*

43. *Requires the Commissioners where pavement, &c. drain, &c. are broken up, to repair the same as soon as possible; to remove rubbish, and put up fences while work is being done.*

44. *Existing public cisterns, &c. used for gratuitous supply of water shall be continued &c. by Commissioners, and vested in them, and they may erect new cisterns and supply public baths, &c with water.*

45 *Commissioners neglecting to furnish a supply of water for domestic use, as settled by Surveyor, rated owners may deduct a certain amount from the rates.*

46. *In order to preserve the water, persons committing certain specified offences, to be fined Rs.* 50, *viz. (1) bathing in aqueducts &c. or washing clothes, dogs, &c. therein; (2) throwing gravel &c into reservoir &c. or washing wool, &c. therein; (3) causing &c. the water of any sink, &c, or any offensive liquid to run, &c. into any of the springs, rivulets &c. of the Commissioners.*

47, 48. *Requires Commissioners to provide a sufficient number of lamps &c. for lighting the town, and the expense thereof shall be borne by the Commissioners; and (48) persons wantonly destroying &c. any of the lamps or extinguishing any lights &c. or abstracting oil, &c. to forfeit not exceeding Rs* 50.

49, 50. *In case of irregularity, trespass, or other wrong committed in execution of this Act, tender of amends, if sufficient, shall bar action; or if no tender of amends be made, defendant may pay into Court amends, and* (50) *damages, costs or expenses directed by this Act to be paid, shall be ascertained by arbitration under Act XXII.* 1847, *&c*

51, 52, 53, 54 *Requires the Commissioners to publish short particulars of the offences for which any penalty is imposed by Act or Bye-laws, &c. and amount of penalty, and to have board hung up in office, and in conspicuous place of any particular neighbourhood to which same may apply, and no penalty recoverable until such particulars are published: and (52) any person pulling down, &c board to forfeit Rs.* 50; *and (53) every penalty and forfeiture may be recovered by sum-*

mary process before Magistrate, and by distress; and (54) whenever any money is leviable by distress, the goods of party distrained may be sold in satisfaction.

55. *Distress not unlawful, &c. on account of any defect or want of form in summons, &c. but persons aggrieved thereby may recover satisfaction by special action on the case.*

56, 57, 58. *Magistrate may on conviction award half the penalty to informer, and remainder to be paid to Commissioners: but (57) no penalty, &c. to be imposed unless complaint be made within six months after offence committed: and (58) the imposition of penalty for an offence not to bar civil remedy for damages, where, in consequence of offence, the property of the Commissioners has been injured.*

59. *Empowers Magistrate to summon witnesses, require from them an oath or affirmation, and person refusing to appear, after tender of expenses, or refusing to be examined, to forfeit Rs.* 50.

60. *Interpretation of words used in the Act, viz words importing the singular number, may be construed as including plural; masculine gender as including the feminine: the word "person" to include corporations: "oath," "affirmation" "solemn affirmation" any oath or affirmation by law established: "street" any square, &c. and "Commissioners" the Com. for the time being under Act* 16, 1847.

An Act to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

Repealed by Act XII. 1852, s. 1.

Repealed by XVII of 62

THUGGEE.

ACT No. III. OF 1848.

[*Passed on the 26th Feby.* 1848.

Recites doubts as to meaning of the words "Thug," "Thuggee," and "Murder by Thuggee," and enacts definitions.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

Whereas doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been, habitually associated with any other or others for the

purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing, or the offence of Robbery not amounting to Dacoity. And that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee," when used in this Act, shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing, or such Robbery by a Thug.

CORONER'S JURIES.

ACT No. IV. OF 1848.

[*Passed on the 26th Feb.* 1848.

1. *On inquests in Calcutta, Madras, and Bombay, not more than 5 jurors to be necessary.*

2 *Person summoned as juror, and neglecting to attend, may be called 3 times in Court, and on non-appearance, &c. and proof of service of summons, &c. Coroner may impose fine, not exceeding Rs. 50, and make out Certificate thereof in prescribed form, and transmit same to Magistrate, who shall enforce same.*

3. *For preventing Inquisitions from being quashed for want of form,—Enacts.—No Inquisition to be quashed, &c for want of averments of matter unnecessary to be proved, nor for omission of words "force and arms" &c. &c. nor for omitting to state time of offence committed, &c &c.*

4 *Coroner, subject to approval of Governor, may appoint a Deputy, whose acts shall be deemed the acts of the Coroner, &c. Coroner may revoke, &c. appointment of Deputy.*

Extended to Straits Settlements by Act XXVI. 1848.

An Act for regulating Coroner's Juries.

It is hereby enacted, that from and after the First day of May, 1848, on all Inquests to be held by the Coroners of Calcutta, Madras, or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be, to all intents and purposes, as good, valid, and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have

been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate, containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by any Inquest of any of the said Coroners, nor any Judgment recorded upon or by virtue of any such Inquisition, shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the

body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of a initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in case of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras, and Bombay, from time to time to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner, under and by virtue of any such appointment, shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause. Provided also

that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

BENGAL.—MOCHALKAS OR PENAL RECOGNIZANCES.

Repealed by XVII-58/62

ACT No. V. OF 1848.

[*Passed on the 4th March,* 1848.

1. *Repeals Sec. 4, of* R. 4, 1825.

2. *Empowers Magistrates, &c. to take Mochalkas, in form annexed, from British Subjects and others for the maintenance of peace, &c.*

3. *Empowers Magistrate also to require sureties, &c.*

4. *Magistrate may require such security for one year without reference to superior authority, and in default of its being given, may commit party to Civil jail.*

5, 6. *Magistrate may order such security for longer period than one year, but not exceeding* 3 *years, and if not given, the proceedings to be laid before Sessions Judge, who shall pass orders confirming or varying order of Magistrate, and directs the Magistrate to commit the party until he shall have given security; but (6) party not to be detained beyond period mentioned in recognizances.*

7. *Provisions in R.* 8 *of* 1818, *to apply to principles and securities under this Act.*

8, 9. *On proof of forfeiture of recognizance, Magistrate may enforce penalty and* (9) *in like manner enforce bond against securities.*

10. *All sentences and orders under this act appealable*

11. *All Mbchalkas, &c. in Bengal taken by Criminal Courts, &c may be enforced in manner prescribed in ss.* 8 *and* 9.

Schedule. Form of Mochalka. Form of security.

An Act to amend the Law regarding the taking of Mochalkas or Penal Recognizances.

I. It is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the Territories subject to the Persidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochalkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons, in all cases wherein it may appear just and necessary to require the same, for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizances may not have been convicted of any

specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party, and to the circumstances of the case.

III. And it is hereby enacted, that, in cases of an aggravated nature, wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such Magistrate to direct the same, and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace, with or without additional security need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly; and in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the Magistrate shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them, and calling for any further information which he may think necessary, shall pass orders on the case, confirming, modifying, or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities, the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided always and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the Provisions contained in Sections 5, 6 and 7, of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

VIII. And it is hereby enacted, that whenever it may pe proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited, if a security bond shall have been taken, and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid, and if no sufficient cause shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court, and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to cofinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable, subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the Territories subject to the presidency of Bengal all Mochulkas and Security Bonds which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company, or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections VIII. and IX. of this Act.

FORM OF MOCHULKA.

Whereas I
inhabitant of have been called
upon to enter into a Mochulka to keep the peace for the term of
I hereby bind myself not to commit

any act that can occasion a breach of the peace during the said term, and in case of my making default therein, I bind myself to forfeit to Government the sum of Rupees
Dated

FORM OF SECURITY.

Whereas 'inhabitant of
has been called upon to give security to keep the peace for the term of
I hereby declare myself surety for the said
that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees Dated

FOREIGN BOTTOMS.—DIFFERENTIAL DUTIES.

ACT No. VI. OF 1848.

[*Passed on the 4th March,* 1848.

1. 2. *All goods imported and* (2) *all goods exported on Foreign Bottoms by sea, to be charged only same duties as same goods imported on British Bottoms.*

3. *No duties chargeable on goods exported from one port in territories of E. I. C. to another, (sed vide Act. No. VII.* 1848.*)*

4. *Act not to apply to Salt and Opium.*

This act is expressly reserved by Act VII. of 1859.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. It is hereby enacted, that from and after the Twenty-fifth day of March, 1848, all Goods imported on Foreign Bottoms by Sea into any port of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were imported into any of the said ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day all Goods exported on Foreign Bottoms by Sea, from any Port of

the said Presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were exported from any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any Goods lawfully carried from any Port in the Territories subject to the Government of the East India Company to any other Port in the said Territories, any thing in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

CUSTOMS DUTIES.

ACT No. VII. OF 1848.

[*Passed on the 25th March*, 1848.

1. *Provision of s. 3, Act No. 6, 1848, not to apply to Goods exported from territories of E. I. C. to Straits of Malacca, Tenasserim Provinces, Arracan, nor to imports from these places to the said territories.*

2. *No drawback to be allowed on re-export of Goods to which Sec. 3, of Act 6, 1848 extends.*

This Act is expressly reserved by Act VII. of 1859.

An Act to except certain free Ports from the operation of Section III., Act No. VI. of 1848, and otherwise to amend that Act.

I. In modification of Section III., Act No. VI. of 1848, it is hereby enacted, that the provisions of the said Section shall not apply to Goods exported from any part of the Territories subject to the Government of the East India Company, to any of the ports in the Straits of Malacca, [or to any of the ports in the Tenasserim Provinces, or to any of the ports in the Province of Arracan,] nor to Goods imported from any of those ports into any port of the said Territories. [Repealed as to Arracan and Tenasserim by Act XXX. 1854.]

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of Goods from any port in the Territories subject to the Government of the East India Company to any

other port in the said Territories, to which the operation of Section III., Act No. VI. of 1848, may extend.

BENGAL RYOTS.

ACT No. VIII. OF 1848.

[*Passed on the 25th March*, 1848.

Provides for service of notice on ryots not resident in the zillah where the land is situate.

To modify the provisions of Sections 9, 10, 11, and 13, of Regulation V. 1812, of the Bengal Code.

Repealed by Act X, of 1859.

STRAITS SETTLEMENTS.—MUNICIPAL RATES.

ACT NO. IX. OF 1848.

[*Passed on the 25th March*, 1848.

1. *Repeals from 1st Jan.* 1849, *Act No XII.* 1839, *and Act XII.* 1840.

2. *Authorizes, from 1st January* 1849, *an assessment not exceeding* 10 *per cent. on the actual and estimated rents of houses, &c. within the settlement to be paid half yearly in advance by tenant or occupier, excepting houses, &c. specified in Schedule.*

3. *Authorizes assessment not exceeding* 5 *per cent. and to be levied half yearly or annually, on rent or value of the net produce derived from lands in the said dependencies used for agriculture: excepting quit rents paid to E. I. C. for lands held under said Co., and produce of land of less extent than* 3 *acres cultivated with paddy, and lands whose net produce shall be less than* 3 *Spanish dollars, &c. if sole assessable property of occupier.*

4. *Prescribes mode of ascertaining the value of net produce for purpose of assessing same.*

5. *To facilitate the collection, collector may require owner, &c. of such lands to furnish him with statements of produce and outlay, verified by oath, and person refusing to make such oath, or to furnish statement, to pay a fine not exceeding* 200 *Spanish dollars, or be imprisoned.*

6. *Authorizes a tax to be levied half-yearly in advance on all carriages, &c. in use, to be paid by owner or person in charge thereof, at rates specified for different carriages, &c.*

7. *Empowers Chief Civil Authority of the settlement to appoint a Collector and other Officers, &c.*

8, 9. *If assessment be not duly paid, Collector to certify non-payment to the Justice, who, if satisfied that due diligence has been used, shall issue his warrant to levy the same by seizure and sale of goods, &c. on premises: or (9) Collector may sue for arrears in any Court of Justice.*

10, 11. *Empowers Quarter Sessions to hear, &c. appeals by parties aggrieved or who may object to assessment, but must first pay the amount of the assessment: and (11) no appeal to be allowed unless made within three months from time of payment.*

12. *Directs that the monies collected shall be called "The Municipal Fund" and be applied to maintenance of an efficient police, and watching, repairing, &c. the public roads, &c. repairing, &c. bridges, &c. lighting the streets, &c. Roads, &c. leading to Government House, &c. or to places of public worship, to be deemed public roads, &c.*

13. *Civil authority of settlement may appoint a Municipal Committee, to consist of five Resident rate-payers, two of whom officers of Government. The Municipal Committee to make order for performance of the objects of this act.*

14. *Empowers Municipal Committee to make rules and regulations.*

15. *Requires the Collector in January, every year, to prepare a detailed statement of the Municipal Fund, exhibiting the sums collected and disbursed, under proper heads: and same to be published.*

16, 17. *Superintending Officer of police to keep at such station a Register, in which owners, &c. of carriages, &c. let to hire are to be required to be entered. Owner omitting to register such carriages, to be liable to a fine not exceeding 20 S. Drs. And all such carriages to have a numbered board, or in default owner to pay fine not exceeding 5 S. Drs.*

18. *All Quarter Session and Police fees, fines, &c. to be paid to Municipal Fund.*

19. *Assessment not to be impeached by reason of mistake in name of person assessed, or of thing chargeable, or amount, and no proceedings to be quashed for matter of form. Schedules A. and B., exemptions.*

An Act to repeal Acts No. XII. of 1839 and No. XII. of 1840, and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore, and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce, and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same.

Repealed by Act XXVII, 1856.

BOMBAY.—ANNEXATION OF MANDVEE.

ACT No. X. OF 1848.

[*Passed on the 8th March,* 1848.

1. *The lapsed state of Mandvee to be subject to law in force in Bombay.*

2. *Certain specified matters not to be within cognizance of the Civil Courts in Mandvee, viz.* (1) *claims for damages against persons in authority;* (2, 3, 4) *claims of various kinds against government:* (5) *claims on account of village debts, &c. Schedule. Territorial description of lapsed state.*

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

Whereas the State of Mandvee has lapsed to the British Government:

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. And it is hereby enacted, in modification of Section XXI. Regulation II. of 1827; of Section VI. Regulation XVI. of 1827; and Sections IX., XVI., XXXIV. and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Mandvee:

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

2d. All claims against Government on account of Enams.

3d. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and water courses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the Widows and such

of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Molee Purgunna, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Wusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purgunna belonging to the Raja of Rajpeepla.

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowangiah.

1. Kherpor.
2. Kakurwa.
3. Poonah.
4. Oon.
5. Oosked.
6. Umul Saree.
7. Ghorsumba.
8. Gamtulao Boojgur.
9. Godawaree.
10. Boree.
11. Nundpor.
12. Khuralee.
13. Oomersaree, J.
14. Cosaree, J.
15. Kumlapor, J.
16. Vureth.
17. Kakrapar.
18. Bulunga.
19. Peepulwara.
20. Kanaghat.
21. Undhatree.
22. Hureepor.
23. Gangpor Hursud.
24. Dudwara.
25. Berdha.
26. Bhat Khaee.
27. Surkooee.
28. Umulwan.
29. Jetpo.
30. Keodee, E.
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur.
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurunwao.
42. Kheempor.
43. Chandpor, J.
44. Rukhwao.
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.
48. Goondwan.
49. Bulalteeruth.
50. Roondha.
51. Muhoodee.
52. Gangpor Dewah Ranah.
53. Makungur.
54. Deoghuree, J.
55. Limdha.
56. Tarapor.
57. Maldha.
58. Joonwan, J.
59. Keemdoongra.

60. Larkoowa.
61. Cheramba, J.
62. Esur.
63. Patawaree.
64. Deoghur.
65. Undharwaree.
66. Kunujwan, J.
67. Dhuj.
68. Dhujamba.
69. Kolkhuree.
70. Looharwur.
71. Bulettee.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.
87. Jhuree.
88. Burtul.
89. Sutwao.
90. Oomurkhuree.
91. Gamtulao, Khoord.
92. Tursarah, Khoord.
93. Kulumkoowa.
94. Khurera.
95. Foolwaree.
96. Gordha.
97. Veesdaleeya.
98. Vagnera.
99. Guntolee.
100. Roopun.
101. Vularghur.
102. Saluya.
103. Mooreetha.
104. Kaleebel.
105. Teetoee.
106. Regama.
107. Dadakooee.
108. Purwut.
109. Khor Amba.
110. Kalmoee.
111. Patul.
112. Kumlasotee.
113. Kolsanoo.
114. Tooked.
115. Mudhul Kooee, J.
116. Oontewah.
117. Jhab.
118. Choorel.
119. Kusal.
120. Fulee.
121. Pardee.
122. Ambath.
123. Kurwulee.
124. Bodhan.
125. Muthasroo.
126. Vurelee.
127. Patna.
128. Keodyoon.
129. Peepultha.
130. Tukwarah.
131. Oomerwan.
132. Vurod.
133. Nougamah.
134. Kolakooee.
135. Dhurumpor.
136. Togapor.
137. Oosked.
138. Khanpor.
139. Rohenee.
140. Untrolee.
141. Boreegala.
142. Jhurpun.
143. Ureth.
144. Veghee.
145. Nuryn.
146. Guwachee.
147. Khunjrolee.
148. Khalor.
149. Peepureeya, J.
150. Tursara.
151. Jamunkoowa.
152. Vurjakhund.
153. Jhakla.
154. Beerama.
155. Sadree.
156. Rutuneeya.
157. Vuseegam.
158. Naneecher.
159. Mooteecher.
160. Vanklah.
161. Rajwur.
162. Rajpoora Loombha.

WANDERING GANGS OF THIEVES.

ACT No. XI. OF 1848.

[*Passed on the 20th May*, 1848.

1. *Gangs associated for theft or robbery, not being gangs of thugs or dacoits, to be punished with hard labour for not exceeding seven years.*

2. *Person accused of belonging to such gang, or receiving property stolen by gang, may be committed by any Magistrate, and tried by any court.*

3. *No futwa of Law Officer necessary on trials under this Act.*

An Act for the punishment of wandering gangs of Thieves and Robbers.

Whereas it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers, It is enacted as follows:—

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons, associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

CALCUTTA.—COURT OF REQUESTS.

ACT No. XII. OF 1848.

[*Passed on the 27th May*, 1848.

Recites doubts as to the powers exercised by the Commissioners, &c. by reason of illegality of proclamations.

1. 2. *Legalizes all past proceedings had under recited proclamations.*

3. *Legalizes all proceedings had before any Commissioner sitting apart from others, and empowers the Commissioners to sit apart and hold concurrently one, two, or three Courts.*

4, 5. *Legalizes all the existing rules, orders, and forms of procedure and tables of the said Court; and (5) all summonses and other process issued by the Commissioners.*

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

Court of Requests absorbed in the Small Cause Court and held under Small Cause Court Act, Act IX. 1850.

BENGAL.—LIMITATION OF SUITS.

ACT NO. XIII. OF 1848.

[*Passed on the* 10*th June*, 1848.

1, 2. *Suits for contesting any award made by the Revenue Authority before the passing of this Act, to be brought within twelve years from date of award; (2) but not after the expiration of three years from passing of this Act.*

3. *Awards made after this Act not to be contested after expiration of three years from date.*

For limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

The matter of this Act is now provided for by Act XIV. 1859 s. 1. c. 6, which, in effect supersedes this Act.

CALCUTTA SUPREME COURT.—COMMISSIONS.

ACT No. XIV. OF 1848.

[*Passed on the* 17*th June*, 1848.

1. *Empowers the Court to issue Commission to take affidavits and affirmations in any cause, pending or intended to be instituted.*

2. *Affidavit and affirmation taken under Commission to be deemed taken in the Court and liable to usual Court fees.*

3. *Consequences to persons taking false oath under Commission to be same as if taken in Court.*

To enable the Supreme Court of Calcutta to issue Commission for taking Affidavits.

Whereas doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court, under the Charter of that Court, to grant a Standing Commission to take Affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires, It is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein, empowering him, or them, or any one, or more of them, to take Affidavits and solemn affirma-

tions in any cause, or other proceeding in the said Court, now or hereafter to be depending, or with the intent to substitute any proceeding whatever in the said Court.

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any) to be received and accounted for in the same manner as in the case of an Affidavit or solemn affirmation made and taken in Court.

III. Every person so making any Affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such Affidavit or solemn affirmation had been made and taken in open Court.

SUPREME COURTS.—OFFICERS.

ACT No. XV. OF 1848.

[*Passed on the 17th June*, 1848.

Recites that for better discharge of duties by Officers of Court—Enacts

1. *No Officer of Court established by Royal Charter or of Insolvent Court shall accept any gift or reward for official act other than his legal salary, &c. or hold any office of profit in any Bank, &c. except, &c. or be concerned in dealings as a banker, &c. for his own advantage or for any other person, &c.*

2. *This Act not to forbid any officer who is also a practising advocate, attorney, &c. from taking the usual fees, &c. of advocates, &c. nor to apply to any advocate, &c. so far as he is held to be merely for some purposes an Officer.*

3. *Act not to forbid Officer from holding any unpaid Office in Society for charitable purposes, &c.*

4. *Officer offending against this Act to be liable on conviction. to deprivation of office and to be declared incapable of being appointed to other office of same Court or to serve H. M. or to be punished by fine and imprisonment.*

An Act to forbid trading by the Officers of the Supreme Courts.

For the better discharge of their duties by the Officers of the undermentioned Courts of Justice, It is enacted as follows :—

I. No Officer of any of the Courts of Judicature established by Royal Charter, within the Territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said Territories, shall, directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward

for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader or as agent, factor, or broker, either for his own advantage, or for the advantage of any other person or persons, except such dealings as it may be part of the duty of any such Officer by virtue of his office to carry on.

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor, or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors, Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver, or Committee, so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted, may be declared incapable, and in that case shall become incapable, of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the Territories under the Government of the East India Company, or in such part of the said Territories as shall be specified in the sentence, or, in the discretion of the Court, may be otherwise punished by fine, or fine and imprisonment for his misdemeanour, as to the Court shall seem fit, regard being had to the nature of his offence.

N. W. PROVINCES.—SALT.

ACT NO. XVI. OF 1848.

[*Passed on the 1st July*, 1848.

To remove unnecessary restrictions.

1. *Repeals ss.* 49, 50, 85, 93, *and part of s.* 48, *of R.* 10, 1819; *also s.* 2 *of R.* 10, 1826.

2. *No customs duty leviable on Salt imported into N. W. P. from other provinces of the Presidency.*

An Act to remove certain restrictions on the Salt Trade.

Whereas the Salt Trade in the North Western provinces is burdened with necessary restrictions—It is enacted as follows:

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

MADRAS.—STAMP DUTIES.

ACT NO. XVII. OF 1848.

[*Passed on the 26th August*, 1848.

To substitute Stamp Duties for institution fees in district Moonsiff's Courts, and authorize the return of Stamp duties in certain cases.

1. *Repeals s.* 16 *and c.* 2, *s.* 57 *of R.* 6, 1816, *and ss.* 4 *and* 5 *of R.* 2, 1834, *Madras Code.*

2. *Applies to District Monsiff's Courts parts of R.* 13, 1846, *and s.* 7 *of R.* 7, 1818, *of Madras Code, relating to the substitution of Stamp duties for institution fees, &c.*

3, 4. *On dismissal of suit, on application of the parties, in any Civil Court, plaintiff shall be entitled to a certificate of the Stamp Duty paid on Plaint; and* (4) *after dismissal, the Collector shall return half or the whole of the amount, according as suit was dismissed before or after completion of the pleadings.*

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.

Whereas it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties; It is enacted as follows:—

I. Section XVI. and Clause 2, Section LVII. Regulation VI.

1816, and Sections IV. and V. Regulation II. 1834, of the Madras Code, shall be repealed from the First day of September in this year.

II. From and after the said First day of September, so much of Regulation XIII. 1816, and Section 7 Regulation VII. 1818 of the Madras Code, as relates to the levying of Stamp Duties instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

III. Whenever a suit pending in any Civil Court whithin the Territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such Certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of said Stamp Duty; provided always there be no exception taken to the paper or endorsement thereon.

NAWAB OF SURAT.

ACT NO. XVIII. OF 1848.

[*Passed on the 26th August*, 1848.

1. *No writ or process to be sued out, against person, &c. of widows, &c. of late Nawab, &c. unless with consent of G. in C. and writ sued out without such consent to be null and void.*

2. *G. of B. may act in administration of property, left by late Nawab, &c. and no Act in respect to such administration to be questioned in any Court.*

3. *Limits the time for bringing actions in certain cases.*

4. *Abrogates for six months the general law of Registration of deeds in favor of certain specified persons.*

An Act for the Administration of the Estate of the late Nawab of Surat, and to continue privileges to his family.

Whereas it is expedient to provide for the administration of the Estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan,

Kumrood Dowleh, Ushmut Jung, Bahadoor, and whereas the exemption from the Jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nawab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nawab on the 13th May, 1800, recognized and confirmed by Clause 2, Section XXI. Regulation II. 1827, and Clause 2, Section I. Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged,—It is enacted as follows :

I. No writ or process shall be sued forth or prosecuted against the person, goods, or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained ; such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods, or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the Estate of tne said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any Court of Law or Equity.

III. The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. 1827 of the Bombay Code, shall be held, in respect to all persons within the provisions to Clause 2, Section XXI. of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late Nawab by more than the number of years or months severally

limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor General of India in Council, shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section XXI. Regulation II. 1827; provided that such last mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

Of the late Nawab.

1	Badsah Begum, ...	Widow
2	Ameerool Nissa Begum, ..	Widow
3	Meer Juffer Ali, ...	Son-in-law
4	Zeeaool Nissa Begum, ...	Granddaughter
5	Ruheemool Nissa Begum, ..	Granddaughter
6	Meer Moeenoodeen Khan, ..	Buckshee.
7	Meer Kumroodeen Unlud Shumsooddeen.	

BENGAL AND MADRAS.—CRIMINAL SENTENCES.

Repealed by XVII of 1862

ACT No. XIX. OF 1848.

[*Passed on the 2nd September*, 1848.

1. *Repeals S. 5, R. 9, 1831 Bengal Code, and S. 35 of Act 7, 1843.*

2. *Nizamut A. in Bengal and Foujdaree A. in Madras, in case of persons sentenced without reference, may, on view of abstracts and Calendar, annul the sentence, and order same to be amended.*

3. *Niz. A. and Fouj. A. may, in case of prisoners punished without reference, require the evidence to be certified to them, and may annul the verdict, &c. or mitigate their sentence.*

4. *Niz. and Fouj. may call for the whole record of any criminal trial and pass orders thereon, but not increase punishment awarded, nor punish person already acquitted.*

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

Whereas it has been doubted how far Section V. Regulation IX. 1831 of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV. Act VII. 1843—It is enacted as follows;

I. So much of Section V. Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section XXXV. Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal, and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the Abstract Statement or Calendar, shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to Law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judment, or sentence; and thereupon the Nizamut Adawlut, or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment, and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit, call for the whole record of any criminal trial in any subordinate

Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

LOWER BENGAL.—LAND REVENUE.

ACT No. XX. OF 1848.

[*Passed on the 23rd September*, 1848.

1, & 4. *Proprietor or farmer refusing to attend Collector's Court when only summoned under recited Regulations, or not furnishing accounts, Collector may impose a daily fine, &c. not exceeding* 50 *Rs. recoverable in same manner as arrears of revenue: but* (4) *not more than Rs.* 50 *to be levied, unless authorized by Commissioner.*

2. *Collector to report the imposition of fines and amount levied to Commissioner of Revenue.*

3. *Collector's orders under this Act appealable to Commissioner, but fine, notwithstanding appeal, may be levied.*

4. (*See ante.* 1.)

5. *Act not to repeal the power of imposing daily fines, &c.*

6. *Interprets the word Collector.*

7. *Act not to extend to N. W. Provinces.*

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

Whereas, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas, in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority,—It is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose, of his own authority, such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of Fifty Rupees: and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order issued for any default by authority of a Collector under this Act, shall have exceeded Five Hundred Rupees, the Collector shall report the case specially to the Commissioner of Revenue; and no further levy for such default shall be made, otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines, and of levying the fines so imposed, in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

WAGERS.

ACT No. XXI. OF 1848.

[*Passed on the* 10*th October*, 1848.

To discourage gaming, &c.

1. *Enacts. All agreements by way of gaming or wagering to be null and void, and no action or suit to be allowed for money won or deposited on a wager, &c.*

2. *Abolishes feigned issues in Supreme Court as on wagers, and authorizes witnesses to be examined in the cause without issue.*

An Act for avoiding Wagers.

Whereas it is expedient to discourage gaming and wagering for money,—It is enacted as follows:

I. All agreements, whether made in speaking, writing, or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person, to abide the event of any game, or on which any wager is made.

~~II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity, or Admiralty, or any other Jurisdiction as of the common law jurisdiction of the Court, may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.~~

SUPREME COURTS.—FORGERY.

ACT No. XXII. OF 1848.

[*Passed on the* 10*th October*, 1848.

1. *In Indictments, &c. for forgery, exact copy of forged writing need not be set forth, but same may be described, as in indictment for stealing it.*

An Act to simplify Indictments for Forgery.

For better avoiding the failure of justice in Criminal proceedings for Forgery, It is enacted as follows.

I. In any information or Indictment laid or brought in the Courts established by Royal Charter, for forging, or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof; but it shall be enough to describe such forged instrument or writing, in such manner as would sustain an indictment for stealing it.

See Act XVI. 1852, s. 5.

BENGAL.—ABKARREE.

ACT No. XXIII. OF 1848.

[*Passed on the* 10*th October*, 1848.

1. *Offences under S. 7 of Act XXV*, 1840, *may be cognizable before any Magistrate.*

An Act to amend a Clerical Error in Act No. XXV. 1840.

Repealed by Act XXI. 1856.

THE GOVERNOR GENERAL.

ACT No. XXIV. OF 1848.

[*Passed on the* 10*th October*, 1848.

Recites expediency that G. G. should visit N. W. Provinces unaccompanied by Member of Council.—Enacts,

1. *That, during absence from Council, G. G. may exercise all the powers of G. G. in C. except such as are delegated to President in C. and power of making laws.*

2. *Act when to commence.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

MADRAS.—BUNGANAPILLY.

ACT NO. XXV. OF 1848.

[*Passed on the* 25*th November*, 1848.

1, 2, 3. *Authority of Agent of G. of Madras to cease as to district of Bunganapilly: but (2) without prejudice to past acts of agent, and (3) without prejudice to the authority of F. and S. Adawluts as to cases theretofore referred to them by agent.*

4. *Agent after having had his accounts passed and received his discharge from Government, not to be accountable in Court of Justice.*

5. *This Act not to affect the authority of the E. I. C. in Bunganapilly.*

An Act for Restoration of the Jagheer of Bunganapilly.

Whereas by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows:

I. On the First day of January, 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all monies received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and control of the East India Company over the said district, or of the Sovereign authority of the British Government.

STRAITS' SETTLEMENTS.—CORONERS.

ACT No. XXVI. OF 1848.

Passed on the 30th Dec. 1848.

Extends Act IV. of 1848 *to the Straits' Settlements.*

An Act to extend to the Straits the Act for regulating Coroner's Juries.

Whereas it is expedient to extend the operation of Act No. IV. 1848,— It is enacted as follows :

1. From the First day of March, 1849, Act No. IV. 1848 shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner; and the word Presidency, as used in the said Act, shall be taken to mean also the Government of the said Settlements.

INDIAN NAVY.

ACT No. XXVII. OF 1848.

[*Passed on the 30th Dec.* 1848.

1. *Enacts, in addition to the existing* 35 *articles of war, the following, viz.* (36*th*) *Art. certain offences by persons belonging to Indian Navy not provided for by Act* 12 *of* 1844 *to be punished with transportation for life or for years, or as Court Martial may award,* (37*th*) *Insubordination, disorders, irregularities, and neglects by persons in Indian Navy, to the prejudice of good order, &c. and all disgraceful conduct &c. not specified in former Act or in this Act, to be punished as Court Martial may award.* (38) *If any person belonging to Indian Navy (not being an officer) shall be guilty of offence which Officer in command shall deem necessary to be punished without trial by C. M., such Com. Off. may investigate case, and order punishment.*

2. *In the several cases in which C. M. may award punishment of death, and in cases of grave embezzlement, &c. and other specified cases, &c. C. M. may award transportation.*

3. *In all cases in which capital punishment shall have been awarded by C. M. the G. in C. may commute to transportation.*

4. *Persons under sentence or order for transportation under this Act, to be dealt with as other offenders under like sentence.*

5. *G. G. of India in C. the G. in C. of Madras and Bombay may order any Superior Commanding Officer, &c. of Indian Navy to hold Cs. M. in any port, &c. and such Officer, &c. shall preside thereat.*

6. Any Officer of Indian Navy ordered to act on C. M. shall be eligible to act.

7. If not a sufficient number of Superior Officers of Indian Navy to form a C. M., the required number may be made up of Officers in the Military Service of E. I. C., being commissioned, &c. and of the rank of Major or Captain, and, in default of such, of any Officers of H. M. Naval Service of sufficient rank.

8. Clauses, &c. of Act 12 of 1844 for regulating places to which, &c. Act is to extend, and all other clauses, &c. to apply to this Act, and the two Acts to be construed together, &c.

An Act to amend the Act XII. of 1844.

Whereas it is deemed expedient that the Act No. XII. of 1844 entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, and whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained,—It is enacted as follows:

I. From and after the first day of February, 1849, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be observed and put in execution in manner hereinafter mentioned in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

36th. Every person belonging to the Indian Navy who shall be guilty of manslaughter, or any other offence against the person or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection or to the protection of the respective Governments of the East India Company, or any other person whomsoever, not being an Enemy of Her Majesty or of the East India Company, (and the punishment of which offence is not provided for by the said Act,) shall be liable to transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence, as a Court Martial shall award.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel, or dishonest, or indecent, or malicious, or mischievous character, though not particularly specified in the said Act, or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy, (not

being of the Rank of an Officer,) shall be guilty of any offence, which the Officer in Command of the Ship or Vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment, (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles, a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor General in Council, (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor General in Council, or, if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last mentioned case, to any orders made by the Governor General in Council, in case any such orders shall have been so made.

V. The Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any Port of the East Indies, to hold Courts Martial in any such Port as shall be found most expedient and for the good of the East India Company's Service;

and such superior Officer, Captain, or Commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat, if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company, then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No XII. of 1848, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto and to the several Articles and Provisions thereof respectively, as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

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SUPPLEMENT.

This supplement contains those Acts and parts of Acts which I had struck out under the supposition that they were superseded by the New Code of Civil Procedure, Act VIII. 1859, and for the repeal of which, as a mere supplement to that Act, a Bill was in the *Gazette* as passing through the Legislative Council, and which was expected to pass long before this volume could be published. But the Bill is not proceeding, and for that and reasons further explained in the Preface, I print here the omitted parts. The abstracts are in the body of the volume.

BENGAL.—EXECUTIONS.

ACT No. V. 1836.

Abstract, see ante, p. 20.

It is hereby enacted, that it shall be competent to the Zillah and City Judges within the Presidency of Fort William in Bengal, to refer to the Principal Sudder Ameens subordinate to them, applications for the enforcement of Decrees to be executed by the said Principal Sudder Ameens, under the rules prescribed in the General Regulation, applicable to such cases.

BENGAL. JUDICIARY SYSTEM.

ACT No. XXV. OF 1837.

Abstract, see ante, p. 92

III. And it is hereby enacted, that it shall be competent to every Zillah or City Judge within the said Territories to refer for trial and decision, any Original Suit preferred under the Provisions of Clause First, Section XXX. Regulation II. 1819 of the Bengal Code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding.

BENGAL.—AMEENS AND MOONSIFFS.

Act No. VI. 1843.

Abstract, see ante, p. 448.

An act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I. In modification of clause 4, section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all Original suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II. And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to Appeals from decisions passed by Principal Sudder Ameens, in suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such suits.

III. And it is hereby enacted, that such parts of Regulation XXII. of 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants, or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of sections 4, and 5, Regulation II. 1806, in cases pending before them: and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this section, be subject to an Appeal to the Zillah Judge.

V. And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts. Applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI. And it is hereby enacted, that clause 2, section 13, Regulation XXIII. 1814, and clause 4, section 5, Regulation V. 1831, be repealed.

VII. And it is hereby enacted, that no person whatever shall by reason of place of birth, or by reason of descent, be in any civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided however, that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases, where by reason of the above section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

MADRAS.—COURTS OF E. I. CO.

ACT NO. VII. 1843.

Abstract, see ante p. 449.

An Act for abolishing the provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts and for extending the Civil jurisdiction of such Courts.

X. First.—And it is hereby enacted, that it shall be competent to a single Judge of the Sudr Udalut to hold a sitting of Court on all matters within the cognizance of that Court, and to pass orders or judgments in conformity to the Regulations, subject to the following provisions.

Second.—On the hearing of any Appeal from the decision or order of any Court of inferior jurisdiction, in any case, regular or miscellaneous, if a single Judge of the Sudr Udalut shall be of opinion that no sufficient ground has been shown to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference to the order of the file to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation, through the Court from whose judgment the Appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree. On the other hand, if a single Judge shall be of opinion that the decision or order appealed against ought to be altered, or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan Law or other Law applicable to the case or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality, or other defect, apparent in the proceedings, decision, or order appealed against, and requiring that the Court by which the same may have been held, or passed, shall revise the case, and proceed thereon in such manner as may appear conformable to justice and to the Regulations.

Third.—A Single Judge of the Sudr Udalut may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the Vernacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in appeal.

Fourth.—It shall further be competent to a single Judge to direct, that the execution of any judgment or order passed by any inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And it is hereby enacted, that the provisions of Clause 2d

of the foregoing Section, shall be applicable to the Judges of Zillah Courts, and to Subordinate Judges and Principal Sudder Ameens.

XIV. And it is hereby enacted, that it shall be competent to the Judges of the Zillah Courts to refer the execution of decrees of the Sudr Udalut, and of their own Courts, to the subordinate Judges, or Principal Sudder Ameens of their Zillahs, respectively, who shall proceed therein under the rules prescribed in the general Regulations applicable to such cases, provided that an Appeal shall lie from any order passed by a subordinate Judge, or Principal Sudder Ameen, under such reference, to the Zillah Court in the first instance, and secondly a Special Appeal to the Sudr Udalut.

XVII. First.—And it is hereby enacted, that all parts of Regulations VI. and VII. 1816, in which the Zillah Judge is mentioned, shall be understood as applicable to the Judges of the Zillah Courts established under this Act excepting Section 56, Regulation VI. 1816, which shall be applicable to the subordinate Judges and Principal Sudder Ameens, as extended by Section 5, Regulation III. 1833. And all parts of Regulation VI. of 1816, in which the Provincial Court is mentioned, shall be understood as applicable to the Sudr Udalut.

Second.—Provided, that District Moonsiffs may be employed by subordinate Judges and Principal Sudder Ameens, as well as by Judges of Zillah Courts, in the manner and for the purposes specified in Sections 60, and 61, Regulation VI. 1816.

XVIII. And it is hereby enacted, that when a Zillah Judge sees reason for calling up, under Section 54, Regulation VI. 1816, any cause that may be depending before a District Moonsiff, he may refer it for trial to the subordinate Judge, or Principal Sudder Ameen, of the Zillah, or to a Sudder Ameen, or another District Moonsiff.

XIX. And it is hereby enacted, that when a District Moonsiff shall forward to a Zillah Judge under Clause 2 Section 3 Regulation I. 1829, a suit instituted in his Court in which he is directly or indirectly a party, or otherwise personally interested, the Judge may refer it for trial either to a Sudder Ameen, or another District Moonsiff.

XXV. And it is hereby enacted, in modification of Section

14, Regulation VIII. 1816, that Sudder Ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the Courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any Superior Officer.

XXVI. (*Criminal Jurisdiction.*)—And it is hereby enacted, that the Judges of the Zillah Courts established under this Act shall exercise within the limits assigned to those Courts respectively, the same criminal jurisdiction as is now exercised by the Judges of the Courts of circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Udalut on a review of the abstract statements of prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear in the Session Judge's own showing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the proceedings in such cases, unless they shall see special reasons for so doing. It shall further be competent to the Court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any Law or Regulation in Force, and to require the Session Judge to pass a new sentence according to Law.

XLIX. And it is hereby enacted, that when the subordinate Criminal Court at the station of the Zillah Court is constituted according to Regulation II. of 1827, the Zillah jail shall be under the charge of the Judge of the subordinate Criminal Court, and the Session Judge shall be vested with authority to visit the jail, and to pass orders according to Section 32, Regulations VII. 1802, and Section 7, Regulation X. 1832.

PRINCIPAL SUDDER AND SUDDER AMEENS.

ACT No. IX. OF 1844.

Abstract, see ante, p 534.

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the suit whenever he may see sufficient reason for so doing.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any original suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing original suits on the ground of any default shall be applicable to the Summary appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

BENGAL AND MADRAS.—APPEALS.

ACT No. XVI. OF 1845.

Abstract, see ante p, 601.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

Whereas the Provisions of Act XXIX. of 1841, are inconveniently severe as regards Appeals, and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an Appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall, afer the passing of this Act, have been dismissed under the Provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such Appeal to re-admit the same, if the Appellant shall make application for that purpose, on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dis-

missed, if dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed, if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel, or by unavoidable accident.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841, if the Appellant shall make application for that purpose, on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel, or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the provisions of Act XXIX. of 1841, shall be again re-admitted.

BENGAL—WITNESSES. MOONSIFFS.

ACT No. XVII. OF 1845.

Abstract, see ante, p. 602.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. It is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed..

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person, and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process, and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all powers now exercised by Zillah Judges for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in

their Courts, shall, from and after the passing of this Act, be exercised by Moonsiffs, for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

BENGAL AND MADRAS.—DEFAULT IN SUITS.

ACT No. XVII. OF 1847.

Abstract, see ante, p. 691.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

Whereas inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the Territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default:

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in all suits which have been decided but are still open to appeal, shall be held to be cured, whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

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